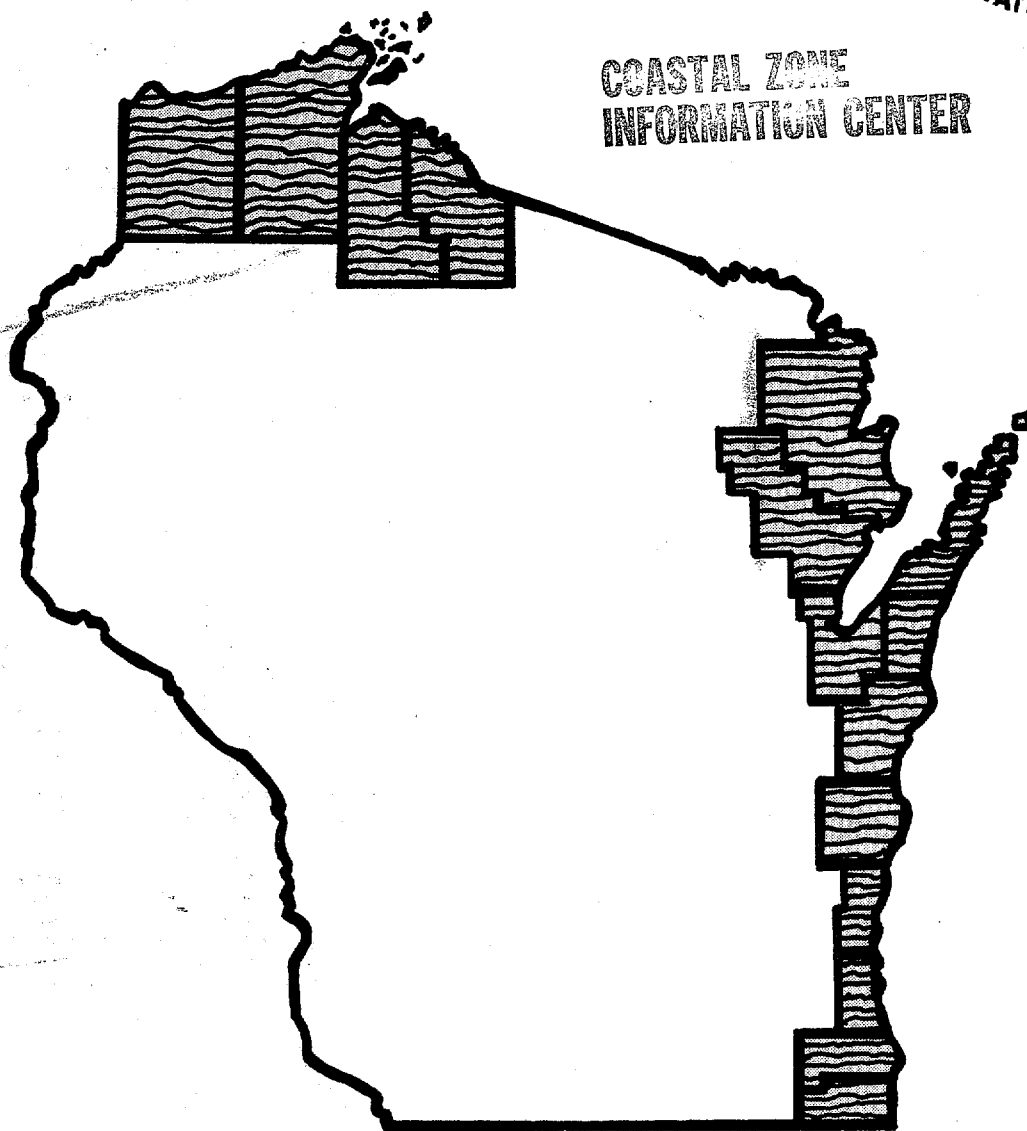


State of Wisconsin Coastal Management Program and Draft Environmental Impact Statement

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Office of Coastal Zone Management



COASTAL ZONE
INFORMATION CENTER



INFORMATION FOR READERS

PURPOSE: This document is both a draft environmental impact statement (DEIS) and a program document on the Wisconsin Coastal Management Program.

It is being circulated by the U.S. Department of Commerce for public and government agency review and comment. Comments received by the U.S. Department of Commerce will be considered in revising this document and will be included as an appendix in the final environmental impact statement (FEIS) to be circulated in early 1978. At this time it is not anticipated that public review of this document will require more than forty-five (45) days. Concurrent and overlapping reviews of other proposed coastal management program approvals will make it difficult to grant an extension of the comment period for the Wisconsin DEIS under Section 1500.9 of guidelines issued pursuant to the National Environmental Policy Act. The U.S. Department of Commerce will hold public hearings on the DEIS during November, 1977 in Wisconsin.

**HOW TO
USE THIS
DOCUMENT:**

Readers who are not familiar with the EIS standard format for coastal management program will want to examine the following pages as aids to the reader:

Table of Contents - page v.

Table cross-referencing requirements of the Coastal Zone Management Act with sections of this document - page 4

Table cross-referencing National Environmental Policy Act (NEPA) and the Wisconsin Environmental Policy Act (WEPA) requirements with sections of this document - page 6

Summary of Wisconsin's proposed program - page 7

Summary Table of Wisconsin Coastal Management Program - page 46

Glossary of Terms - page 201

Map of Wisconsin - page 158

Please save this copy of the DEIS as the appendices will not be included in the FEIS unless a substantial change to an appendix is made.

**WHERE
TO ASK
QUESTIONS
ABOUT
THIS
DOCUMENT:**

Informational questions can be handled in Washington by Eileen Mulaney, Great Lakes States Regional Manager of the Office of Coastal Zone Management (202/634-4237) and in Wisconsin by Allen H. Miller, Program Manager, Wisconsin Coastal Management Program (608/266-3687). A list of persons who participated in developing the Wisconsin program is found in Appendix C; these people can also provide helpful information.

11115



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Science and Technology
Washington, D.C. 20230

**COASTAL ZONE
INFORMATION CENTER**

OCT 20 1977

In accordance with the provisions of Section 102(2)(C) of the National Environmental Policy Act of 1969, we are enclosing for your review and consideration the draft environmental impact statement prepared by the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce, on the proposed Wisconsin Coastal Zone Management Program.

Any written comments you may have should be submitted in duplicate to the parties listed below by December 5, 1977.

If you have any questions about the enclosed statement, please feel free to contact:

Eileen Mulaney
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D. C. 20235
Telephone: 202/634-4237

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, reading "Sidney R. Galler", is written over the typed name.

Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs

Enclosure

U.S.N.O.A.A. O.C.Z.M.

**COASTAL ZONE
INFORMATION CENTER**

UNITED STATES
DEPARTMENT OF COMMERCE

DRAFT
ENVIRONMENTAL IMPACT
STATEMENT
PROPOSED
COASTAL MANAGEMENT PROGRAM
FOR
THE STATE OF WISCONSIN

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Prepared by:

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National Oceanic and
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and

Wisconsin Coastal Management
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Office of State Planning and
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3363764
JUL 28 1987

(X) Draft Environmental Impact Statement () Final Environmental Impact Statement

Circulated by the U.S. Department of Commerce, in compliance with the National and Wisconsin Environmental Policy Acts. For additional information about this proposed action or this environmental impact statement, please contact:

Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
Attn: Eileen Mulaney
3300 Whitehaven Street, N.W.
Washington, D. C. 20235
Phone: 202/634-4237

1. Proposed Federal approval of the Wisconsin Coastal Management Program

(X) Administrative () Legislative

2. It is proposed that the Secretary of Commerce approve the Coastal Management Program application of the State of Wisconsin pursuant to the Coastal Zone Management Act, P. L. 92-583. Approval would permit implementation of the proposed program, allowing program administration grants to be awarded to the State, and require that Federal actions be consistent with the program.

3. Approval and implementation of the program will only restrict certain land and water uses in parts of the Lake Superior and Lake Michigan coasts of Wisconsin while promoting and encouraging development and use activities in other parts. This program, like any expression of public policy, may provide an improved decision-making process for determining coastal land and water uses and siting of facilities of national interest and will lead to increased long-term protection of and benefit for the State's coastal resources.

4. Alternatives considered:

All alternatives would involve a decision by the Secretary of Commerce to delay or deny approval of the Wisconsin Coastal Management Program. Delay or denial of approval of the Program could come under the following conditions:

(1) If State authorities proposed to implement the program are not broad enough to address the full range of concerns expressed in Sections 302 and 303 of the Coastal Zone Management Act.

(2) If the State lacks the organizational arrangements and authorities necessary to enforce the State Program policies and resolve conflict.

(3) If the State has not completed an inventory and designation of areas of particular concern (GAPC's) within the coastal zone as well as establish broad guidelines on priorities of uses within those areas.

The State options center on responding to the conditions for delay or denial. The State, therefore, could:

(1) withdraw approval application and continue to manage the coastal area under existing State laws and management systems,

(2) amend its management program to overcome the deficiencies for Federal approval.

5. List of all Federal, State and local agencies and other parties from which comments have been requested.

Federal Agencies

Advisory Council on Historic Preservation
 Department of Agriculture:
 Forest Service
 Soil Conservation Service
 Department of Commerce:
 Economic Development Administration
 Maritime Administration
 National Oceanic and Atmospheric Administration
 Department of Defense:
 Department of the Air Force
 Department of the Army:
 Army Corps of Engineers
 Natural Resources Branch
 Department of the Navy
 Department of Health, Education and Welfare:
 Office of Assistant Secretary for Administration and Management
 Office of Planning Systems
 Department of Housing and Urban Development:
 Office of Community Planning and Programs
 Office of Environmental Quality

Department of the Interior:
 Bureau of Land Management
 Office of Policy Analysis
 Department of Justice:
 Marine Resources Division
 Pollution Control Section
 Department of Labor
 Department of Transportation
 Department of the Treasury
 Energy Research and Development Administration:
 Assistant Administrator for Environment and Safety
 Division of Biomedical and Environment Research
 Environmental Protection Agency:
 Marine Protection Branch
 Office of Federal Activities
 Federal Energy Administration
 Federal Highway Administration
 Federal Power Commission
 General Services Administration
 Nuclear Regulatory Commission

State and Regional Agencies and Local Governments in Wisconsin and the Great Lakes

Department of Administration
 Department of Agriculture
 Department of Business Development
 Department of Health & Social Services
 Department of Local Affairs & Development
 Department of Military Affairs
 Department of Natural Resources
 Department of Revenue
 Department of Transportation
 Educational Communications Board
 Historical Society

Investment Board
 Public Service Commission
 Board of Regents - University of Wisconsin
 Board of Soil and Water Conservation Districts
 Board of Vocational, Technical, and Adult Education
 Wisconsin Congressional Delegation
 Each of the coastal state legislators
 Each of the 104 coastal towns, villages, cities and counties
 State Depository Libraries
 Legislative Reference Bureau

Local Public Libraries located
in the 15 coastal counties
Members of the Coastal Manage-
ment Council
Members of the Coastal Citizens
Advisory Committee
Members of the Coastal Program
Regional Task Forces
Bay-Lake Regional Planning
Commission

Northwest Regional Planning
Commission
Southeastern Wisconsin Regional
Planning Commission
Green Bay/Brown County Planning
Commission
Coastal Program Administrators
in the Great Lakes states
Great Lakes Basin Commission

National Special Interest Groups (*means also sent to Wisconsin chapter)

American Association of Port
Authorities
American Farm Bureau Federation
American Fisheries Society
American Institute of
Architects *
American Institute of Planners*
American Littorial Society
American Mining Congress
American National Cattlemen's
Association
American Petroleum Institute
American Right of Way
Institute
American Shore and Beach
Protection
American Society of Planning
Officials
American Waterways Operators
Atlantic States Marine
Fisheries Institute
Atomic Industrial Forum
Boating Industry Association
Chamber of Commerce of the U.S.*
Coastal Society
Coastal States Organization
Conservation Foundation
Council of State Planning
Agencies
Cousteau Society
Edison Electric Institute
Environmental Defense Fund, Inc.

Environmental Policy Center
Friends of the Earth*
Izaak Walton League*
Lake Michigan Federation
League of Women Voters of the U.S.*
Marine Mammal Commission
Marine Technology Society
Mortgage Bankers Association of
America
National Association of Conservation
Districts
National Association of Counties
National Association of Electric
Companies
National Association of Engine &
Boat Manufacturers
National Association of Home Builders
National Association of Realtors
National Association of Regional
Councils
National Association of State
Boating Law Administrators
National Audubon Society*
National Boating Federation
National Cannery Association
National Coalition for Marine
Conservation, Inc.
National Commission on Marine Policy
National Conference of State
Legislators
National Environmental Development
Association
National Farmers Union

National Federation of Fishermen
National Fisheries Institute
National Forest Products
National Governors Conference
National League of Cities
National Ocean Industries
Association
National Parks and Conservation
Association
National Recreation and Parks
Association
National Science Foundation
National Science Teachers
Association
National Waterways Conference

National Wildlife Federation*
National Resources Defense Council
Nature Conservancy*
Sierra Club*
Society of Real Estate Appraisers
Soil Conservation Society of America
Sport Fishing Institute
United Brotherhood of Carpenters and
Joiners of America
U.S. Conference of Mayors
Western Oil and Gas Association
Wilderness Society
Wildlife Society
Wildlife Management Institute
World Dredging Association

Wisconsin Special Interest Groups (names on file at the Council for Environmental Quality; the following received notice of DEIS availability)

All registrants at May-June 1977 Wisconsin public hearings
Wisconsin coastal port directors and ferry operators
Coastal Soil and Water Conservation District chairmen
37 industrial development corporations in coastal counties
10 realtors associations in coastal counties
38 sport trollers-random sample from 76 DNR licenses
23 county and local historical societies
205 associations listed in the Wisconsin Blue Book (mostly business, special interest, and professional)
20 farm bureaus in coastal counties
27 local Chambers of Commerce
166 sportsmens clubs in Wisconsin coastal counties
20 members of the Conservation Congress
71 commercial fishermen picked by random sample from DNR licenses
34 local and statewide environmental and public interest groups
10 hospitality industry groups
77 coastal clubs of the Federation of Women's Clubs of Wisconsin
19 League of Women Voters in each coastal county
League of Suburban Municipalities
Wisconsin Suburban League
Common Cause of Wisconsin
Native American Studies Program, UW-Milwaukee
Institute for Environmental Studies, UW-Madison
Members of DNR Environmental Advisory Committee
Members of DNR Wild Resources Advisory Council
Former Members of the Wisconsin Environmental Council
University of Minnesota-Duluth Sea Grant
City Management Association
Wisconsin Alliance of Cities, Inc.

6. This draft environmental impact statement was transmitted to the Council on Environmental Quality, and notice of availability to the public was published in the Federal Register on October 21, 1977.

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STATE OF WISCONSIN

ix.

OFFICE OF THE GOVERNOR

MADISON. 53702

MARTIN J. SCHREIBER

August 12, 1977

Dr. Robert W. Knecht
Acting Associate Administrator
for Coastal Zone Management
National Oceanic and Atmospheric
Administration
U.S. Department of Commerce
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Dr. Knecht:

I am pleased to transmit, under separate cover, forty copies of the State of Wisconsin's coastal management program. This document reflects the current status of coastal management in the State of Wisconsin and projects future endeavors in this field.

The program relies heavily on existing strong management programs for implementation and reflects the state's outstanding tradition of natural resource management. The thrust of this proposal is to improve the existing comprehensive system of coastal management in Wisconsin through improved coordination, more efficient and effective implementation, increased public participation and public education, strengthened local capabilities, and a new advocacy of the unique concerns of our coastal environment.

The enthusiasm and commitment brought to the development of this proposal has been extraordinarily high. A Coastal Coordinating and Advisory Council appointed in 1974 served with distinction in preparing recommendations for my consideration. The level of participation by state agencies, local governments, regional planning commissions, Tribal governments, and the public has been exemplary. This proposal clearly reflects a broad consensus as to what will be best for the future of coastal management efforts in Wisconsin.

We firmly believe that this document represents a process which meets and exceeds the programmatic requirements for states under the Coastal Zone Management Act of 1972. I, therefore, request that you examine this document and grant approval under the terms of Section 306 of the Coastal Zone Management Act.

x.

I have reviewed the Wisconsin coastal management program, and, as Governor, approve the program and certify the following:

1. The state has the required authorities and is presently implementing the coastal management program;
2. The state will establish and operate, prior to your formal approval, the necessary organizational structure to fully implement the coastal zone management program, as is more particularly described in the submittal document;
3. The Office of State Planning and Energy, Department of Administration, is the single designated agency to receive and administer grants for implementing the coastal management program, and is hereby designated as the lead agency for the implementation of the coastal management program;
4. The state, in concert with local governments, has the authority to control land and water uses, control development, and resolve conflicts among competing uses;
5. The state presently uses the methods listed in Section 306(e)(1) of the Coastal Zone Management Act for controlling land and water uses in the coastal zone, including: (a) direct state management authority for those uses and activities which directly and significantly impact upon the coastal environment; (b) state criteria and standards for local shoreland and floodplain zoning, with state administrative review and enforcement capabilities; (c) direct state management of geographic areas of statewide management concern; and (d) state administrative review of local management of other designated areas of management concern;
6. The state has sufficient powers to acquire lands, should that become desirable or necessary under elements of the coastal management program;
7. Those state laws cited in the program have been passed by the legislature and enacted into law; administrative regulations required to implement the laws have been formally adopted by the responsible state agencies; and the executive order establishing the Coastal Management Council will be duly issued by this office prior to your formal approval;
8. The state's air and water pollution control programs, established pursuant to the Federal Water Pollution Control Act of 1972 and the Federal Clean Air Act, insofar as those programs pertain to the coastal area, are hereby made a part of the state's coastal management program. The regulations appurtenant to the air and water programs are incorporated into this program and shall become the air and

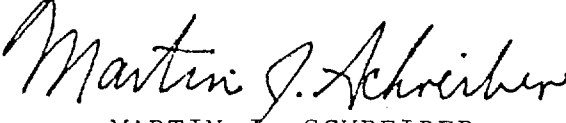
water pollution control requirements applicable to the state's coastal management program. Further, any additional requirements and amendments to air and water pollution programs shall also become part of the state's coastal management program; and

9. I further certify that the Wisconsin coastal management program is now an official program of the State of Wisconsin and the state, acting by and through its several instrumentalities, will strive to meet the intent of the Coastal Zone Management Act of 1972, and the state's corollary laws; and to do so in a uniform, cooperative and aggressive spirit.

We trust that you will approve our program in an expeditious manner, and we will gladly assist in whatever way we can during your review procedure.

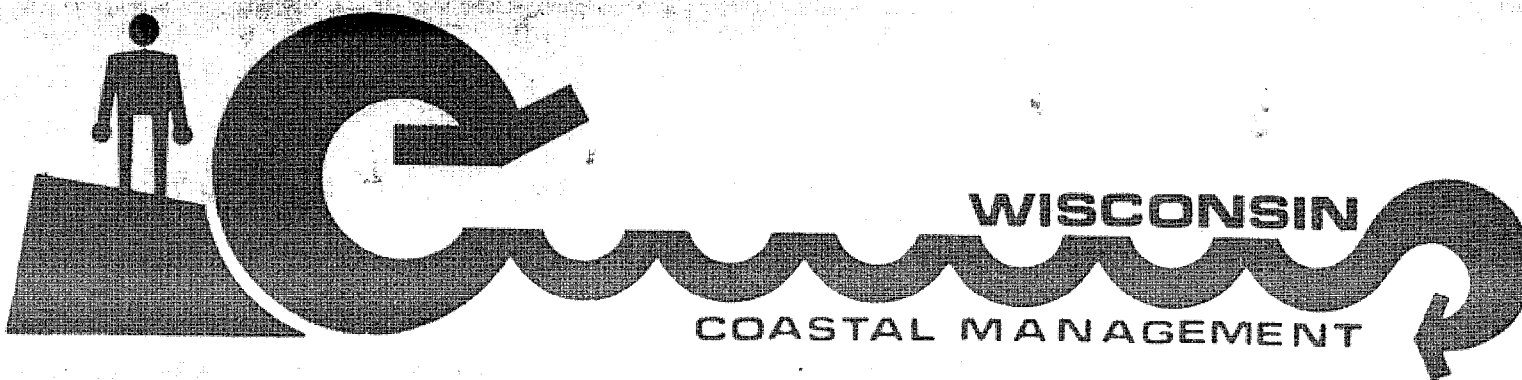
We look forward to a continued cooperative relationship through the administration of the coastal zone management program. Please contact Mr. Allen H. Miller, Program Administrator, Office of State Planning and Energy if you have any questions or need any assistance.

Yours very truly,


MARTIN J. SCHREIBER

MJS:jdo

PART I
INTRODUCTION



PART I INTRODUCTION

A. The Federal Coastal Zone Management Program

In response to the intense pressures upon, and because of the importance of the coastal zone of the United States, Congress passed the Coastal Zone Management Act (P. L. 92-583) which was signed into law on October 27, 1972. The Act authorized a Federal grant-in-aid program to be administered by the Secretary of Commerce, who in turn delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) Office of Coastal Zone Management (OCZM).

The Coastal Zone Management Act of 1972 developed from a series of studies on the coastal zone and its resources. National interest can be traced from the Committee on Oceanography of the National Academy of Sciences (NASCO) 12-volume report "Oceanography 1960-1970" (1959), to the report of the Commission on Marine Science, Engineering and Resources (1969), which proposed a Coastal Management Act that would "provide policy objectives for the coastal zone and authorize Federal grant-in-aid to facilitate the establishment of State Coastal Zone Authorities empowered to manage the coastal waters and adjacent land." The National Estuarine Pollution Study (1969), authorized by the Clean Water Restoration Act of 1966 and the National Estuary Study authorized by the Estuarine Areas Study Act of 1968 further documented the importance of and the conflicting demands upon our Nation's coast. These reports stressed the need to protect and wisely use the important national resources contained in the coastal zone and concurred that a program designed to promote the rational protection and management of our coastal zone was necessary.

The Coastal Zone Management Act of 1972 was substantially amended on July 26, 1976 (P. L. 94-370). The Act and the 1976 amendments will be referred to in this statement as the CZMA. The CZMA affirms a national interest in the effective protection and development of the coastal zone, by providing assistance and encouragement to coastal States to develop and implement rational programs for managing their coastal zones. The CZMA opens by stating "(t)here is a national interest in the effective management, beneficial use, protection, and development of the coastal zone" (Section 302(a)). The statement of Congressional findings goes on to describe how competition for the utilization of coastal resources, brought on by the increased demands of population growth and economic expansion, has led to the degradation of the coastal environment, including the "loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion." The CZMA then states "(t)he key to more effective protection and use of the land and water resources of the coastal zone is to encourage states to exercise their full authority over the land and waters in the coastal zone by assisting states...in developing land and water use programs...for dealing with (coastal) land and water use decisions of more than local significance" (Section 302(h)).

While local governments and Federal agencies are required to cooperate and participate in the development of management programs, the State

level of government is given the central role and responsibility for this process. Financial assistance grants are authorized by the CZMA to provide States with the means of achieving these objectives and policies. Under Section 305, thirty coastal States which border on the Atlantic or Pacific Oceans, Gulf of Mexico, and the Great Lakes, and four U.S. territories are eligible to receive grants from NOAA for 80 percent of the costs of developing coastal management programs. Broad guidelines and the basic requirements of the CZMA provide the necessary direction for developing these programs. The updated guidelines defining the procedures by which States can qualify to receive development grants under Section 305 of the CZMA, and the policies for development of a State management program, were published on April 29, 1977 (15 CFR Part 920, Federal Register 42 (83): 22036-22053). For example, during the program development, each State must address specific issues such as the boundaries of its coastal zone; geographic areas of particular concern; permissible and priority land and water uses including specifically those that are undesirable or of lower priority; and areas for preservation or restoration. During the planning process the State is directed to consult with local governments, regional agencies and relevant Federal agencies, as well as the general public. Federal support can be provided to States for up to four years for this program development phase.

After developing a management program, the State may submit its coastal management program to the Secretary of Commerce for approval; if approved, the State is then eligible for annual grants under Section 306 to administer its management program. If a program has deficiencies which can be remedied or has not received Secretarial approval by the time the Section 305 grant has expired, the State is eligible for additional funding under Section 305(d).

On January 9, 1975, OCZM published criteria to be used for approving State coastal management programs and guidelines for program administrative grants (15 CFR Part 923, Federal Register 40 (6): 1683-1695). These criteria and guidelines set forth (a) the standards to be utilized by the Secretary of Commerce in reviewing and approving coastal management programs developed and submitted by coastal States for approval (see Section B, Part I), (b) procedures by which coastal States may qualify to receive program administrative grants, and (c) policies for the administration by coastal States of approved coastal management programs.

Section 308 establishes a coastal impact assistance program consisting of:

- Annual formula grants (100% Federal share) to coastal States, based upon specific outer Continental Shelf (OCS) energy activity criteria (Section 308(b)).
- Planning grants (80% Federal share) to study and plan for economic, social, and environmental consequences resulting from new or expanded energy facilities (Section 308(c)).

- Loans or bond guarantees to States and local governments improved public facilities and services required as a result of new or expanded coastal energy activity (Sections 308(d)(1) and (d) (2)).

- Grants to coastal States or local governments if they are unable to meet obligations under a loan or guarantee because the energy activity and associated employment and population do not generate sufficient tax revenues (Section 308(d)(3)).

- Grants to coastal States if such States' coastal zone suffers any unavoidable loss of valuable environmental or recreational resources which results from coastal energy activity (Section 308(b) and (d) (4)).

In order to be eligible for assistance under Section 308, coastal States must be receiving Section 305 or 306 grants, or, in the Secretary's view be developing a management program consistent with the policies and objectives contained in Section 303 of the CZMA.

Section 309 allows the Secretary to make grants (90% Federal share) to States to coordinate, study, plan, and implement interstate coastal management programs.

Section 310 allows the Secretary to conduct a program of research, study, and training to support State management programs. The Secretary may also make grants (80% Federal share) to States to carry out research studies and training required to support their programs.

Section 315 authorizes grants (50% Federal share) to States to acquire lands for access to beaches and other public coastal areas of environmental, recreational, historical, aesthetic, ecological, or cultural value, and for the preservation of islands, in addition to the estuarine sanctuary program to preserve a representative series of undisturbed estuarine areas for long-term scientific and educational purposes.

Besides the financial assistance incentive for State participation, CZMA stipulates that Federal activities affecting the coastal zone shall be, to the maximum extent practicable, consistent with approved State management programs (the "Federal consistency" requirement, Section 307(c)(1) and (2)).

Section 307 further provides for mediation by the Secretary of Commerce when serious disagreement arises between a Federal agency and a State with respect to the administration of a State's program and shall require public hearings in concerned locality.

B. OCZM REQUIREMENTS FOR SECTION 306 PROGRAM APPROVAL
(TABLE 1)
THE WISCONSIN PROGRAM PROPOSAL

The following table relates the OCZM requirements for sec. 306 program approval to the Wisconsin coastal management program proposal.

OCZM Requirements 15 CFR Part 923, Section:	Part II	(Part IV) Appendix	Pages
.4(b) Problems, Issues, and Objectives	I	F	11
.5 Environmental Impact Assessment			157
.11 Boundaries	II.B.3.	I	104
.12 Land and Water Uses to be Managed	II.B.2.	G, H II.B.	87, 327, 355
.13 Areas of Particular Concern	II.B.1.	H II.A.	77, 342
.14 Guidelines on Priority of Uses	II.B.1.b.		77
.15 National Interest in the Siting of Facilities	III.A.	I	142, 465
.16 Area Designation for Preservation and Restoration	II.B.1.	H II.A.	77, 342
.17 Local Regulations and Uses of Regional Benefit	II.B.2.e.	H II.B.	99, 355
.18 Shorefront Access Planning	Not required at this time		---
.19 Energy Facility Planning	Not required at this time		---
.20 Shoreline Erosion	Not required at this time		---
.31 Means of Exerting State Control over Land and Water Uses	II.B.2.d.	H II.B.	90, 355
.32 Organizational Structure to Implement the Management Program	II.C.	H III.	105, 410
.33 Designation of Single Agency	II.C.3, submittal letter		x., 116

.34	Authorities to Administer Land and Water Use, Control Development and Resolve Conflicts	II.B., II.C.	H II., H III.	73, 105, 342, 410
.35	Authorities for Property Acquisition		H II.	342
.36	Techniques for Control of Land and Water Uses	II.B.2.	H II.B	87, 355
.41	Full Participation by Relevant Bodies in Adoption of Management Program	II.C., III.	C, D, E, I	105, 141, 233, 243, 465
.42	Consultation and Coordination with Other Planning	II.C.4.	I	117, 465
.51	Public Hearings		E	249
.52	Gubernatorial Review and Approval	submittal letter		ix.
.54	Applicability of Air and Water Pollution Control Requirements	I.C.		x., 23

C. National Environmental Policy Act of 1969 Requirements

On January 1, 1970, the President signed into law the National Environmental Policy Act (NEPA) which required each Federal agency to prepare a statement of environmental impact in advance of each major action that may significantly affect the quality of the human environment. An environmental impact statement (EIS) must assess potential environmental impacts of such action.

To comply with NEPA's requirement of preparing an EIS, OCZM has combined the State's coastal management program (federal approval of which is the proposed action) with a discussion of the environmental impacts. The CZMA is based upon the premise that the environmental aspects of the coastal management program should receive significant consideration in the development of State programs. Therefore, as you read this EIS, you should be aware that the State coastal management program is the core document included in its entirety supplemented by the requirements of NEPA, Section 102(2)(c).

For reviewers more familiar with the NEPA requirement for contents of an EIS, below is an index of where you will find this information.

TABLE 2

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As provided in the Revised Guidelines for the Implementation of the Wisconsin Environmental Act of 1972, issued by Wisconsin Executive Order No. 26, only one draft and one final environmental impact statement will be prepared to comply with the National and Wisconsin Environmental Policy Acts (NEPA and WEPA).

D. SUMMARY OF WISCONSIN'S COASTAL MANAGEMENT PROGRAM

COASTAL ISSUES

Wisconsin borders two of the largest bodies of freshwater in the world-- Lake Michigan and Lake Superior. The 620 miles of shoreline and the 6.5 million acres of Great Lakes in the state carry not only advantages, but responsibilities and problems as well.

The coastal issues facing citizens and their state and local government are many and diverse:

- | | |
|--------------------|-------------------------|
| - Water quality | - Lake level regulation |
| - Shore erosion | - Great Lakes fisheries |
| - Protection of | - Urban shore uses |
| natural areas | - Economic development |
| - Public recrea- | - Power plant siting |
| tional access | - Shoreland blight |
| - Port development | - Air quality |

The Great Lakes are important to all Wisconsin citizens. The 43% of the state's population that lives adjacent to the Great Lakes especially looks to them for food, fresh water, transportation, industry, jobs, and recreation.

No single state or local group looks at the coasts and the Great Lakes and provides a clear overall policy direction for their future. No existing agency coordinates the many programs which address the many Great Lakes coastal issues.

OBJECTIVES

The Coastal Management Program is based on the following concepts:

- The Great Lakes are a major local, state, and federal resource
- Improved management and coordination are the most important needs
- Existing laws provide adequate authority to manage the resource
- No new regulatory agency is needed.

The overall goal of the Wisconsin Coastal Management Program is:

To preserve, protect, develop and where possible, to restore or enhance the resources of Wisconsin's coastal area for this and succeeding generations, with governmental coordination and public involvement, giving due consideration to the linkages and impacts to resources of inland areas.

Five objectives are proposed for the program:

- Provide a strong voice to advocate the wise and balanced use of the coastal environment
- Increase public awareness and opportunities for citizens to participate in decisions
- Improve the coordination of existing policies and activities
- Improve the implementation and enforcement of existing management policies
- Strengthen local government capabilities to initiate or continue effective coastal management.

IMPLEMENTATION

The Coastal Program will focus management attention on key geographic areas and land and water uses. The program's efforts to improve coordination, implementation and local capabilities will be focused on these key areas and uses.

The Coastal Management Program includes a process for identifying and designating key areas and uses and for providing program funding to improve their management. While this assistance will be made available to both state agencies and localities, participation by localities is voluntary.

Working through existing agencies, the Coastal Management Program will stimulate improved management by providing technical and financial assistance.

It should be emphasized that this is more than a planning program, although it is not a construction program. It is designed to aid and improve management activities, be it in a harbor, a park, an industrial area, an erosion hazard area, an historical site, or in or under lakes.

ORGANIZATION

To provide for a balance of the diverse interests involved, a new state level group will be established to make basic coastal program decisions. The 29-member Coastal Management Council will be composed of:

- State legislators
- Citizens
- Local officials
- Tribal governments
- State agency representatives

The Coastal Management Council will perform the specific functions of:

- Policy development and recommendation of state coastal goals
- Continued coastal advocacy and public education
- Designation of key coastal areas and uses
- Oversight of state agency implementation
- Oversight of financial assistance
- Oversight of technical assistance
- Approval of program budget

A separate, independently-staffed, 27-member Citizens Advisory Committee will be established with representation from a variety of coastal interests along the entire shoreline. Specific areas of concern for this group would include:

- Monitoring initial implementation of a program
- Public education and participation

The role of the Council and the Committee will be annually evaluated to assess their continued value and need.

FEDERAL ACTIVITIES

In passing the Coastal Zone Management Act of 1972, Congress stated that the activities of federal agencies in the coastal area must to the maximum extent practicable be consistent with a state's approved coastal management program.

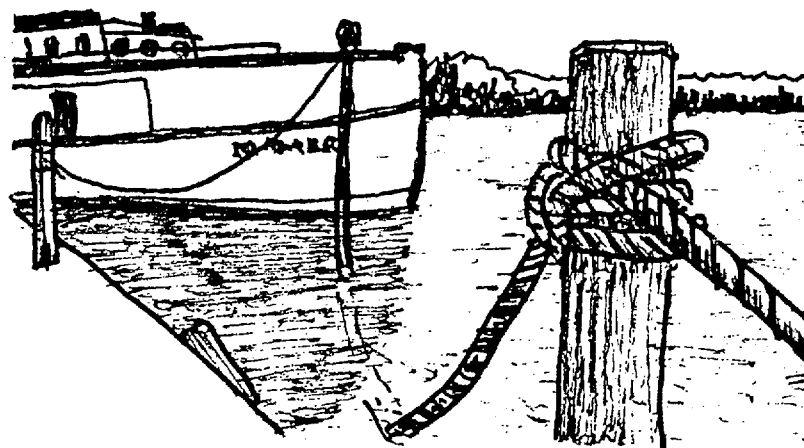
This federal consistency provision offers two advantages should a Wisconsin program be approved:

- State and federal governmental activities would be streamlined to offer greater clarity of various state and federal agency requirements.
- The state would have a greater voice in the activities of the federal government.

CONCLUSION

The Wisconsin Coastal Management Program Proposal has been developed after 3 years of public discussion.

- It incorporates the public's desire for better use of existing laws and against the creation of a new regulatory agency.
- It responds to the concerns of local officials who want to retain local decision-making as well as those who have local coastal problems that need assistance for resolution.
- It provides a voice to express the issues that affect the state's Lake Superior and Lake Michigan coastal areas.
- It provides much needed coordination of various government agencies.
- It provides incentives to improve management of the coasts by state and local government.
- It also provides citizens with an opportunity to be involved in decisions which affect the Great Lakes.

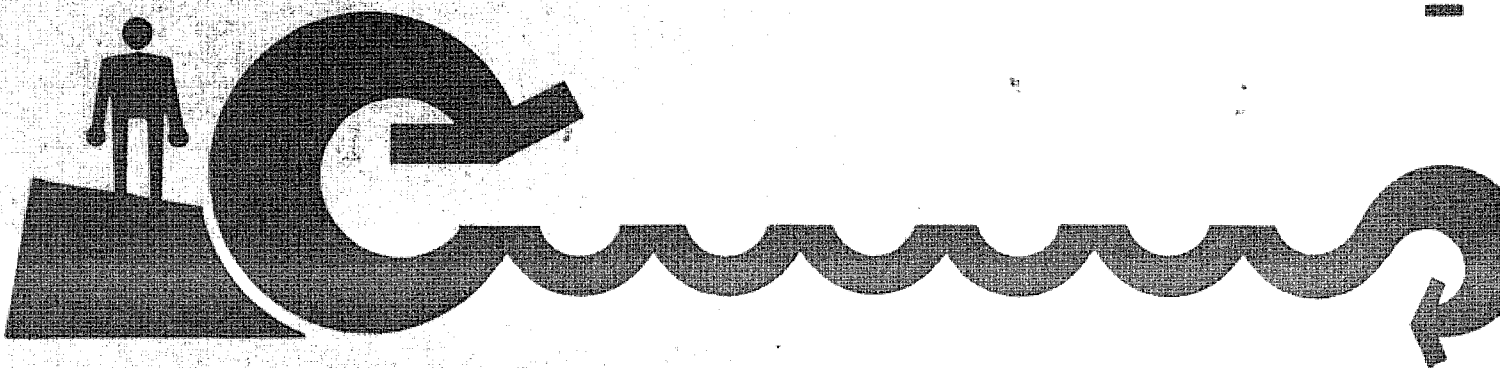


PART II

DESCRIPTION OF

THE PROPOSED ACTION

I. COASTAL ISSUES & POLICIES



PART II: DESCRIPTION OF PROPOSED ACTION
(The Wisconsin Coastal Management Program)

Chapter I. Coastal Issues and Policies and the Coastal Management Program

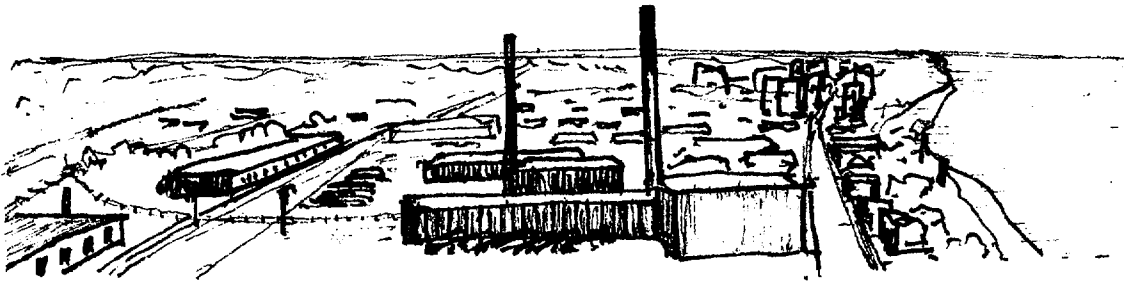
A. Introduction

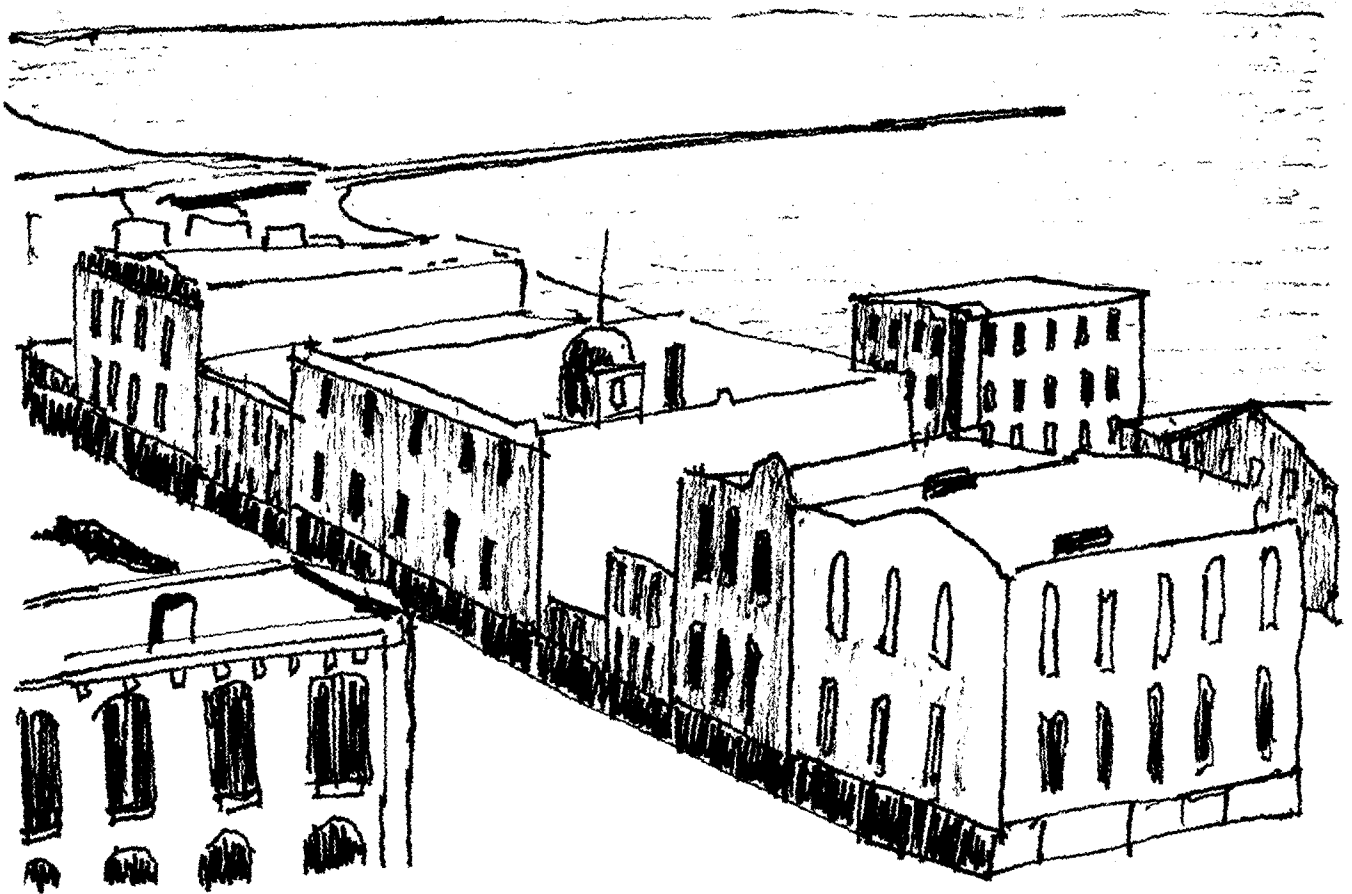
Did you know that access to the Great Lakes is so limited that some vacationers wait two-three hours to launch their boats? That erosion is so severe in some areas that 50 feet of shoreline disappear in a single year? That in one city bordering the largest body of fresh water in the world, residents get their drinking water in bottles from the local store?

These are the kinds of public issues that have been raised to dramatize the urgency of improving the management of our Great Lakes and their coasts. Not all problems are quite as dramatic as those cited above, but the public has expressed concern that there is no comprehensive approach taken in addressing Great Lakes issues. Citizens, local and state governments will continue to work at cross purposes unless the future health of the Great Lakes is given a higher priority.

Based on the public concern over a wide range of issues, this proposed program has been prepared as a means to improve management of coastal areas (land and water) having: special natural, recreational, scientific or historic value; areas especially suited for water-related economic development; or areas subject to erosion or flood hazard. The proposed program also addresses the need to give additional attention to the management of key uses which may have a direct and significant impact on the Great Lakes.

This chapter begins by setting out the state's overall coastal management goal and the five program objectives for reaching that goal (Section I.B.). The second section of this chapter sets out specific coastal issues in Wisconsin and the state's general policy, specific statements of state policy and coastal program activities on each of these issues (Section I.C.). Table 3, located immediately following this second section, summarizes the relationships between coastal issues, state policy, and program activities.





B. OVERALL COASTAL MANAGEMENT GOAL AND COASTAL MANAGEMENT PROGRAM OBJECTIVES

COASTAL MANAGEMENT GOAL

To preserve, protect, develop and where possible, to restore or enhance, the resources of Wisconsin's coastal area for this and succeeding generations, with governmental coordination and public involvement, giving due consideration to the linkages and impacts to resources of inland areas.

This Coastal Management Goal is a statement of the overall purpose of the program proposed in this document. It expresses the beliefs of the Coordinating and Advisory Council that: (1) a balance must be achieved between conservation and development in Wisconsin's coastal areas; (2) this balance must consider coastal areas and inland areas as well, when those areas affect or are affected by the coasts; and (3) government and citizens must work together if such a balance is to be successfully achieved.

COASTAL MANAGEMENT OBJECTIVES

- *To provide a strong voice to advocate the wise and balanced use of the coastal environment and the recognition in federal, state, and local policies of the uniqueness of the coastal environment;*
- *To increase public awareness and opportunity for citizens to participate in decisions affecting the Great Lakes resources;*
- *To improve the coordination of existing policies and activities of governmental units and planning agencies on matters affecting key coastal uses and areas;*
- *To improve the implementation and enforcement of existing state regulatory and management policies and programs affecting key coastal uses and areas;*
- *To strengthen local governmental capabilities to initiate and continue effective coastal management.*

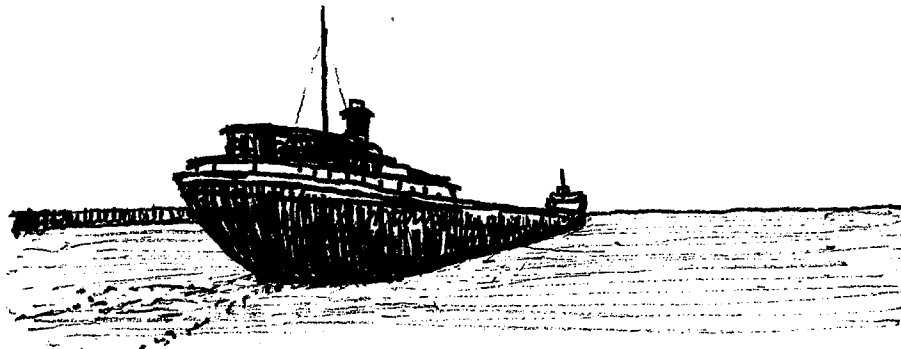
These five major objectives represent how the Coastal Management Program will seek to improve existing management of the Wisconsin coastal resources. The Coastal Management Council will carefully select projects which solve specific coastal problems over the short term and which address gaps or weak points in existing management programs. The Coastal Management Council will thus seek to use limited federal and state funds to bring about improvements which do not impose long-term fiscal commitments on state or local government. This program should be viewed as complementary to existing state and federal programs, not as a substitute for them.

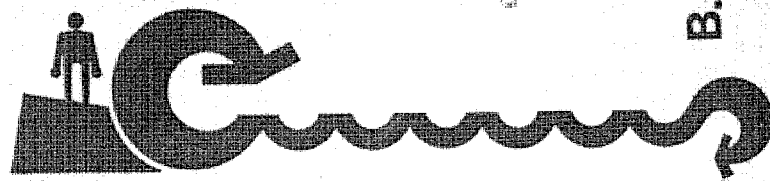
The following paragraphs elaborate on the five Coastal Management Program objectives. Section C. explains how the Coastal Management Program, working through existing state and local management policies, will address the coastal issues of concern to Wisconsin.

COASTAL ADVOCACY

A state-level Coastal Management Council is proposed to provide a forum for discussion of coastal issues, addressing the need for human activity to be in harmony with the natural environment. This Council can use its advocacy role to focus attention of legislative bodies and managing agencies, whether federal, state, or local government, on coastal issues. It can become a voice for the greater common interest.

Though many existing laws and programs treat them as such, the Great Lakes are not just any two of Wisconsin's 10,000 lakes. The Council can advocate that the Great Lakes are unique and deserve special attention in the allocation of finite state and federal resources. Such attention can take the form of policy recognition, improved enforcement of regulations, or closer scrutiny of those plans and programs which might have significant impacts on the coastal environment.





B. COASTAL MANAGEMENT GOAL & PROGRAM OBJECTIVES

*INCREASE PUBLIC AWARENESS
AND PARTICIPATION*

Perhaps the most valuable and long-lasting functions of this coastal management proposal would be to educate citizens and officials about Great Lakes issues and create an appreciation for the need to guide development to minimize future coastal problems. There is a need for a better understanding of the limits of the resource so that future options are seen in the light of that knowledge.

Increased opportunities for citizen involvement early in the policy and decision-making process are equally important. Several such mechanisms are described in Section II. C., Organization, of this Proposal.

IMPROVE COORDINATION

The Coastal Management Program will provide mechanisms for improving coordination of existing state, regional, and local programs and policies that affect the Great Lakes resource. Coordination will take place through Coastal Management Council discussion, technical staff activities, and review and comment through state and regional clearinghouse processes and the National and Wisconsin Environmental Policy Acts. Additional mechanisms discussed in Section II. C. of this Proposal will provide oversight of state agency compliance and federal agency consistency with state coastal goals and policies.

IMPROVE IMPLEMENTATION

The Coastal Management Program will focus on improvement of coastal management through better application of existing laws and programs. This will include identifying overlapping or conflicting agency functions, streamlining of regulatory processes, improved training of personnel, and providing other technical and financial assistance.

Key geographic areas and key land and water uses will receive special efforts to improve management through a process of identification, designation, and development and implementation of specific management policies. This process can be initiated by state agencies, local units of government, and citizens through their local unit of government. Once designated, these areas and uses are eligible for program funding.

Several years from now, if existing regulatory programs--working at peak efficiency--still are not adequate to solve problems occurring along the Great Lakes, the Coastal Management Council might advocate new regulatory authority to the Wisconsin Legislature.

STRENGTHEN LOCAL CAPABILITIES

The Coastal Management Program recognizes both state and local governmental roles in determining the future of the coastal area. While state government has a number of basic responsibilities such as stewardship of the public's interests in the waters of the state, local governments also have important responsibilities for the detailed management and planning of the coastal areas. This sharing of responsibilities suggests the need for a strengthened state-local partnership for coastal management. Through a program of technical and financial assistance, the ability of local governments to address local coastal concerns can be enhanced.



The thrust of the goals and objectives of this proposal is to improve the quality of decision-making related to Wisconsin's Great Lakes resources. These goals are similar to the Congressional findings and policy of the Coastal Zone Management Act of 1972. As stated in Sec. 303 of the Act as amended, Congress set forth the following national policy:

(a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations,

(b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development,

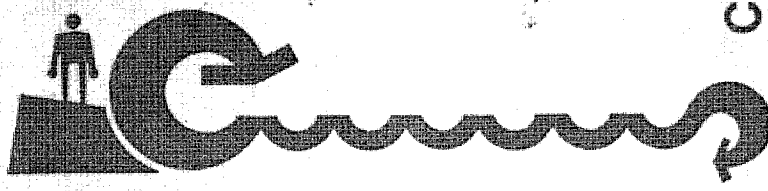
(c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purpose of this title, and

(d) to encourage the participation of the public, of Federal, state and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies, including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental programs.

Congress further declared that in reaching this goal:

The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

Wisconsin's proposed coastal program seeks to assist the attainment of these goals in the Great Lakes region. The Great Lakes coastal area of Wisconsin is a valuable ecological, economic and aesthetic state resource, and Lakes Superior and Michigan and Green Bay are recognized as vast water resource reservoirs which benefit the state. There exists a need to understand the balance of the inherent potentials and natural limitations of these resources with the needs of society. There is a public and private need to maintain and revitalize the economic, ecological, historical and visual qualities of the coastal area. The responsibility for developing and maintaining this balance between developmental and conservation interests is shared by state and local elected and appointed officials, private citizens, business/industry and agriculture and public interest groups. To develop a well-balanced coastal management program, participation of these various interests must be assured.



C. COASTAL ISSUES AND STATE COASTAL POLICIES

This section examines coastal issues in Wisconsin, sets out state coastal policies, and indicates what the state's Coastal Management Program activities will be in that issue area. This discussion is grouped into seven general issue areas: (1) coastal water and air quality; (2) coastal natural areas, wildlife habitat, and fisheries; (3) erosion and flood hazard areas; (4) community development; (5) economic development; (6) governmental interrelationships; and (7) public involvement.

There is a four part discussion for each of these seven issue areas. First there is a summary discussion of the issues and problems facing Wisconsin relative to that issue area. More detailed information on these points may be found in Part III A and Appendices E and F, as well as in numerous publications of the program (see Appendix G for a bibliography). Second, there is a general statement of state policy relative to that issue area. The third section sets out more specific state policies on the issues. It is important to remember that these policies are based on existing state policies and programs. Therefore, the reader should examine the sections of this proposal, particularly the sections on managed uses and "areas of management concern" in Chapter II that are cross-referenced following each specific policy statement. In Chapter II the reader will find specific statutory language, with precise definitions, qualifications and subtleties that may be lacking with these generalized policy statements. An even more detailed discussion of these points may be found in Appendix H, Part II. The fourth section of the discussion for each of the seven issue areas is very important. It sets out what the focus of the efforts of the Coastal Management Program will be. It states, generally in terms of the five program objectives set out in the previous section, what this program will add to existing state coastal programs.

I. COASTAL WATER AND AIR QUALITY

a. Issues and Problems

The Great Lakes are an extremely important and valuable natural resource. They contain approximately 20% of the world's fresh water. Lake Superior has the highest water quality of all the Great Lakes. With the exception of heavy pollution in the near shore area of its southern end, Lake Michigan also has very high water quality. Maintenance of this water quality is of very high concern to Wisconsin residents. Wisconsin's air quality, relative to that of some parts of the country, is very good. Maintenance of this quality and improvement in certain areas is of concern to Wisconsin citizens.

Specific water and air quality issues and problems include:

1. The Great Lakes are used for the disposal of industrial, shipping and municipal wastes. There is an increasing industrialization and urbanization of the coastal area. When pollution from non-point sources is added--such as agricultural runoff, runoff from construction sites, sedimentation and shore erosion--future water quality becomes an even more acute problem.
2. More specifically, a serious water quality problem has emerged as toxic substances are increasingly showing up in the Great Lakes; consumption of lake trout is already restricted due to high PCB concentrations. The presence of DDT and heavy metals may also pose serious health hazards.
3. Another water quality problem is caused by inadequate or malfunctioning private waste disposal systems. Heavy residential use of septic systems has caused localized public health problems, leading to a need for careful location of private facilities.
4. A number of coastal communities rely on the Great Lakes for water supply. Poor water quality can make the water unsafe for consumption (as happened in part of the Minnesota area of Lake Superior with the Reserve Mining situation). Increasing urbanization and industrialization threatens municipal water supplies.
5. The Great Lakes are also a significant recreational resource. High water quality, including its aesthetic qualities, must be maintained to allow recreational use of the waters to continue. Increased pollution and, in some areas, erosion and siltation have created problems in this regard.

Note: Also see Issue Area 3, where shore erosion is discussed and Issue Area 4 where shoreland alteration and shoreline recreation activities are discussed.

6. Wisconsin's primary air quality problem is interstate summer-time ozone concentrations along southern Lake Michigan. As industries and utilities switch from natural gas to petroleum or coal, additional problems with sulfur emissions are anticipated. (Also see Issue Area 5, Economic Development, for discussion of energy policies).
7. A principal statewide air quality problem is the level of particulates suspended in the air. Localized air quality problems include excessive dust from gravel roads, agricultural or construction areas and fumes from traffic and some industries.
8. Another issue is the degree of interrelationship between air and water quality. It is estimated that up to 25% of the particles in the air will settle out or be washed by rain into the Great Lakes. Also, the relationship between noise and the natural, cultural and social environment needs to be examined.

b. General Policy Statement

- 1.0 The state's policy on coastal water quality is to improve the quality and management of the waters of the coastal area; to restore the chemical, physical and biological integrity of its waters; to protect public health, safeguard aquatic life and scenic and ecological values; and to enhance the domestic, municipal, recreational, industrial, agricultural and other uses of water. The state policy on coastal air quality is to improve the quality of the air resource through restricting any new air contaminant source and restricting the discharge of hazardous pollutants.

c. Specific Policies

- 1.1 The elimination of the discharge of pollutants to water is the long-range goal of the state. (See Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500 and Wis. Stats. Section 147.01(1)(a)).
- 1.2 An interim goal is the protection and propagation of fish and wildlife and the maintenance of water quality to allow recreation in and on the water to be achieved by 1983. (See Wis. Stats. Section 147.01(1)(b)).
- 1.3 Discharges of effluents, including industrial, municipal and agricultural wastes, into any waters of the state shall not be allowed if they exceed federal and state water quality standards. (See managed use #1 h, Wis. Stats. Sections 147.015(3) and 147.02. For effluent standards and limitations see Wis. Admin. Code NR 221 to 297).
- 1.4 Disposal in the waters of the state of the following defined pollutants shall be restricted: dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, radioactive substance, wrecked or discarded equipment, rock, sand and cellar dirt. (See managed use #1 h and i, Wis. Stats. Sections 147.015(3), 147.02(1), 29.288 and 29.29).

- 1.5 Because of the importance of Lakes Superior and Michigan and Green Bay as vast water resource reservoirs, water quality standards for rivers emptying into these waters shall be as high as is practicable. (See managed use #1 h and Wis. Stats. Section 144.025).
- 1.6 Municipalities shall provide at a minimum, secondary treatment and effluent disinfection. (See managed use #2 d, 1972 P.L. 92-500 and Wis Stats. Section 147.04(3)(a) and Wis. Admin. Code NR 102.04).
- 1.7 Phosphorus removal from sewage shall be required in municipalities with 2,500 people or more that discharge treated water into Lakes Michigan and Superior and their tributaries. (See managed use #1 h and Wis. Admin. Code NR 102.04).
- 1.8 Sewer extensions shall be allowed only where adequate treatment capacity exists. (See managed use #2 d and Wis. Admin. Code NR 110.05).
- 1.9 Thermal discharges shall not raise the receiving water temperatures more than 3° F above the existing natural temperature at the boundary of mixing zones. (See managed use #1 h and Wis. Admin. Code NR 102.05).
- 1.10 The discharge of toxic pollutants in toxic amounts shall be prohibited. (See managed use #1 h and Wis. Stats. Section 147.01(1)(c)).
- 1.11 Discharge of inorganic mercury compounds and metallic mercury to the waters of the state shall not exceed the background level by more than 0.05 pound per 1,000,000 gallons of effluent discharged. The maximum discharge shall be limited to 0.15 pound of mercury per day over a 30-day period and not more than 0.5 pound in any one day. (See managed use #1 h, Wis. Stats. Section 144.423 and Wis. Admin. Code NR 100.02).
- 1.12 The sale, distribution, storage, use and disposal of pesticides shall be regulated to protect the public from injury and wild animals from serious hazard. (See managed use #2 p, Wis. Stats. Sections 94.69 and 29.29(4)).
- 1.13 Lots not served by public sewer shall have a minimum average width of 100 ft. and a minimum area of 20,000 sq. ft. and, based on soil tests, area for one sewage absorption field and area for one replacement system. Septic tanks shall not be placed within 50 ft. of the ordinary highwater mark and 90% of the minimum lot area shall be above the regional flood elevation. (See managed use #2 e and 1, Wis. Stats. Chapter 236 and Wis. Admin. Code H622.20, and H65 and NR 115).
- 1.14 The state will establish, administer and maintain a safe drinking water program no less stringent than the requirements of the safe drinking water act of 1974, P.L. 93-523, 88 Stat. 1660. (See managed use #1 j and 2 o and Wis. Stats. Section 144.025(2)).

- 1.15 No new air contaminant source shall be permitted to be constructed, installed or established which directly or indirectly emits air contaminants that make the air injurious to health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life, without complying with federal and state air quality standards. (Wisconsin Stats. Section 144.30 and .39 and Wis. Admin. Code NR 154 and 155).
- 1.16 Hazardous pollutants (including, but not limited to asbestos, beryllium, cadmium, chromium, chlorine, fluorine, lead, mercury, pesticides or radioactive material) shall not be discharged into the ambient air in such quantity, concentration or duration as to be injurious to human health and plant or animal life (unless the purpose of the emission is for the control of plant or animal life). (See managed use #2 n and Wis. Admin. Code NR 154 and 155).

d. Coastal Program Activities

- 1.17 The Wisconsin Coastal Management Program will perform advocacy functions in monitoring and reviewing changes and additions in water and air quality programs and regulations which impact on coastal resources and people.
- 1.18 The Wisconsin Coastal Management Program will support public awareness and research of: (a) factors affecting Great Lakes water quality and supply, with emphasis on the trans-lake shipment of oil and other energy resources; (b) the unique climatic characteristics and limitations of coastal air resources; (c) air as a transmitter of pollutants to Great Lake waters; and (d) the impact of noise on the natural, cultural, and social environment.
- 1.19 The Wisconsin Coastal Management Program will encourage consideration of water, air and noise pollution in the development of plans and proposals for Coastal Program funding.
- 1.20 The Wisconsin Coastal Management Program will provide financial assistance to improve implementation and enforcement of existing water and air quality programs where gaps or weaknesses are identified, with emphasis on (a) on-site waste disposal; (b) disposal of hazardous substances; (c) disposal of dredge spoils; and (d) coordination and air quality monitoring.

Note: As required by Section 307(f) of the Coastal Zone Management Act of 1972, the state's programs under the Federal Water Pollution Control Act, as amended, and the Clean Air Act, as amended, are incorporated into and made a part of this proposal.



II. COASTAL NATURAL AREAS, WILDLIFE HABITAT AND FISHERIES

a. Issues and Problems

1. Coastal natural areas, which include forests, lakes, streams, swamps, bogs, and marshlands, are in an increasingly tenuous position. These areas, which also frequently serve as wildlife habitat, provide important benefits in and of themselves. The problem is particularly acute on Lake Michigan, where residential development and other intensive uses threaten to invade the few extensive natural areas left. While relative to other coastal states, Wisconsin has few coastal wetlands, those that do exist face increasing pressures. The same pressures threaten some of the state's coastal farmlands.
2. Coastal vegetation and estuaries provide wildlife habitats that are increasingly threatened by similar pressures.
3. Great Lakes fisheries are also endangered. The presence of toxic substances such as PCB's in the water has already curtailed sport and commercial fishing. Control of sea lamprey, reintroduction of species, and establishment of a salmon stock are other important needs. Finally, protection of spawning areas for natural reproduction is necessary to assure the health and size of the fisheries.

*Note: The description of the coastal environmental resources and growth pressure is in Part III A.

b. General Policy Statement

- 2.0 The policy of the state is to conserve and enhance the natural land and water resources of the State by:
- a. Designating and managing special areas of the State, including scientific areas, state parks, state forests, and state wildlife areas, so as to protect and enhance fish and wildlife habitat, forest resources, lakes and streams, recreation resources, and endangered plant and animal species.
 - b. Providing special management attention to the conservation and enhancement of Great Lakes fisheries resources, by conducting fish rearing, fish stocking, and fisheries research programs; by regulating sport and commercial fishing; by designating certain portions of the Great Lakes as fish habitat protection areas. (Also see Issues Area 1, where coastal water quality is discussed and Issue Area 4, where recreation is discussed.)
 - c. Ensuring that the following activities that are engaged in or are subject to regulation by state agencies are conducted so as to minimize the destruction or degradation of coastal wetlands and to preserve the natural and beneficial values of coastal wetlands and the public interest therein. These activities include: 1) the acquisition, management and disposition of state lands and facilities; 2) construction activities assisted by or directly undertaken by state agencies; and 3) regulation of land and water uses in coastal wetland areas.

c. Specific Policies

- 2.1 State scientific areas shall be designated for the purposes of scientific research, the teaching of conservation and natural history, and preservation of native plant and animal communities or individual members of these communities and archeological sites for the use of future generations. These areas shall be disturbed as little as possible and only in accordance with adopted standards. (See GAMC #1 and #5 and Wis. Stats. Section 23.27 and Wis. Admin. Code NR 45.23).
- 2.2 State parks are to be established for the public recreation and education. An area may qualify by reason of the areas scenery, its plants and wildlife or its historical, archeological or geological interest. These parks will be managed to protect these values and their most logical employment and greatest usefulness. (See GAMC #1 and Wis. Stats. Section 27.01(1) and (2). Also see Issue Area 4, where the topic of recreational access is discussed).

- 2.3 State forests shall be primarily used for silviculture and growing of recurring forest crops. Recognizing the value of multiple use, they can be designated also for preservation with natural areas receiving a high degree of protection or for recreation with appropriate facilities. (See GAMC #1 and #5 and Wis. Stats. Section 28.04).
- 2.4 Taxation of agricultural land and undeveloped land need not be uniform. Farmland shall be eligible for tax credits through an approved farmland preservation agreement between an owner and the Department of Agriculture, Trade and Consumer Protection if there is local adoption of approved farmland preservation plans and/or approved exclusive agricultural zoning ordinances meeting state standards. (See Article VIII, Sec. 1 of the Wis. Constitution, Wis. Stats. Section 71.09(11), and Chapter 91).
- 2.5 Hunting shall be prohibited in all state parks except for selective game management of deer. (See GAMC #1 and Wis. Admin. Code 10.27)
- 2.6 State wildlife areas shall be managed for wildlife habitat and public hunting. Fishery, forestry, wild resources and non-consumptive recreational objectives will be accommodated only when they do not detract significantly from the primary objectives of wildlife habitat and public hunting. (See GAMC #1 and #5 and Wis. Stats. Section 23.09(2)(d)(3)).
- 2.7 The sale, processing and distribution of fish, wildlife and plant life designated by the state and/or the U.S. as endangered, native and foreign species is prohibited. (See GAMC #1 and #5, managed use #1 h and Wis. Admin. Code NR 27).
- 2.8 The state shall designate state trout streams and in these streams:
- (a) effluents and temperature changes shall not adversely affect trout populations and must meet dissolved oxygen levels and pH ranges.
 - (b) dams, channel relocation and structures which impound water are prohibited.
 - (c) bank stabilization to reduce erosion or siltation is supported. (See GAMC #1 and #5, Wis. Stats. Section 30.19 and Wis. Admin. Code NR 102).
- 2.9 State fish management areas shall be designated and managed to assure protection and perpetuation of all species, foster and promote the preservation of required habitat for all species, contribute to public health, safety and welfare, to assure the costs of management are borne by the primary beneficiaries, and to provide public access. (See GAMC #1 and #5 and Wis. Admin. Code NR 1.01).

- 2.10 State fish management easements shall provide public access for public fishing. The property owner retains the right to use the stream and land for domestic purposes (including stock watering, but only dumping incidental to normal agricultural or horticultural purposes). A permit will be required in these areas for removal of trees, shrubs, altering topography and erecting new structures. (See GAMC #1 and #5 and Wis. Stats. Section 23.09(2)(d)).
- 2.11 The state shall create and maintain a sport fishery through programs of fish breeding, rearing, and stocking, and resource research. (Wis. Stats. Section 23.09 and Wis. Admin. Code NR 1.01).
- 2.12 Sport and commercial fishing shall be regulated and commercial fishing shall be prohibited in designated state fish refuges. (See GAMC #1 and #5, managed use #1 k, Wis. Stats. Section 29.085, 29.14, 29.145, 29.166, 29.30, 29.33, and 29.36 and Wis Admin. Code NR 26.23).
- 2.13 All counties shall adopt and administer shoreland management programs for all unincorporated lands within 1,000 feet of a lake and 300 feet of a stream. At a minimum these programs shall include the following provisions.
 - (1) All those shorelands shall be zoned and placed in appropriate districts. Land designated on U.S.G.S. quadrangle maps as swamps or marshes should be placed in conservancy districts. In these districts development should generally be limited to non-structural uses. Other limited activities may be allowed by special permit, but only if they are not contrary to maintenance of safe and healthful conditions, prevention of water pollution, protection of fish spawning grounds and aquatic life and preservation of shore cover and natural beauty.
 - (2) In all districts, tree cutting shall be limited in that area within 35 feet of the high water mark so that no more than 30 feet in any 100 feet are clear cut. (See managed use #2 m and Wis. Admin. Code NR 115).
 - (3) In all districts, filling, grading, lagooning and dredging shall be permitted only in accord with state law and where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured. (See managed use #2 m and Wis. Admin Code NR 115).
 - (4) Minimum lot sizes and building setbacks shall also be required. (See managed use #2 m and Wis. Admin. Code NR 115).

d. Coastal Program Activities

- 2.14 The Wisconsin Coastal Management Program will support public awareness and education efforts tied to areas of significant natural and scientific value.
- 2.15 The Wisconsin Coastal Management Program will support the accelerated collection of data on soils, geology, hydrology, topography, and others where needed for coastal management decisions.
- 2.16 The Wisconsin Coastal Management Program will support local and state agency efforts to identify and designate areas of significant natural or scientific value and develop specific management policies for each area.
- 2.17 The Wisconsin Coastal Management Program will provide financial and technical assistance to state and local agencies to implement the specific management policies for these designated areas.
- 2.18 The Wisconsin Coastal Management Program will provide financial assistance to improve the implementation and enforcement of existing programs which manage uses with a significant impact on the coastal environment where gaps or weaknesses are identified. (See II. B. 2). Particular attention would be given to Great Lakes fisheries resources, coastal wetlands, and other natural and scientific values.



III. COASTAL EROSION AND FLOOD HAZARD AREAS

a. Issues and Problems

Shore erosion has been a primary concern of many shoreline residents and governmental bodies owning property on the immediate shoreline, particularly during the recent period of high lake levels. There are also localized areas subject to serious flooding. Specific issues and problems include:

1. Wisconsin faces serious property damages due to shore erosion, particularly along southern Lake Michigan. A number of shore properties have suffered and are facing severe property damage.
2. Shore erosion and sedimentation can damage lake aesthetics, may damage fish habitat and may increase water treatment, and maintenance dredging costs.
3. Flooding is a serious concern along the west and south shores of Green Bay. In the past serious flooding has caused localized hazards to safety as well as property damage. Spring ice damage is of concern to shore property owners, particularly in Green Bay, who believe it causes property damage. Others advocate increased ice breaking to extend winter navigation.
4. Fluctuating lake levels remains a key concern of many Wisconsin coastal residents. While control of lake levels is beyond the reach of any state program (and can only be addressed in a limited sense by international bodies), increased erosion during the recent period of high water was one of Wisconsin's most visible coastal problems.

b. General Policy Statement

- 3.0 It is the state's policy to mitigate risks to public health and safety and risks of property damage in areas subject to natural hazards by:
 - a. Providing that all development in areas subject to serious flooding will not materially alter the natural capacity of the lake or river so as to intensify the magnitude of floods, expose citizens to hazards, or cause future public expenditures for flood disaster relief.
 - b. Regulating those earth moving, devegetation, and construction activities now reviewed by State agencies so as not to accelerate the rate of shoreline erosion or bluff recession.

c. Specific Policies

- 3.1 Counties, cities and villages shall adopt reasonable and effective flood plain zoning ordinances for those parts of their jurisdiction subject to serious flood damage. These ordinances shall provide that no buildings be constructed in floodways and that inconsistent development be prohibited in flood plains. (See managed use #2 b, Wis. Stats. Section 87.30 and Wis. Admin. Code NR 116).
- 3.2 Within unincorporated areas a setback of 75 ft. from the ordinary high water mark shall be required, unless an existing development pattern exists. (See managed use #2 b and m, Wis. Stats. Sections 59.971 and 144.26, and Wis. Admin Code NR 115).
- 3.3 Solid waste disposal sites and facilities are prohibited in floodplains and within the jurisdiction of shoreland regulations. (See managed use #2 b, Wis. Stats. Section 144.045 and Wis. Admin. Code NR 115).
- 3.4 All new subdivision plats, buildings, structures, roads, sanitary or other facilities which are reviewed by state agencies and which are in existing and potential flood hazard areas shall be prevented from exposing citizens to unnecessary hazards or cause future public expenditures for flood disaster relief. (See managed uses #2 b and Executive Order No. 67).
- 3.5 Rip rap or other similar material for protecting stream banks or lake shore from erosion shall not materially impair navigation or damage fish and game habitat. (See managed uses #1 g and 2 b and Wis. Stats. Section 30.12(2)(b)).

d. Coastal Program Activities

- 3.6 The Coastal Management Program will advocate and coordinate Wisconsin concerns about flood and erosion hazards with the Flood Insurance Administration of the U.S. Department of Housing and Urban Development and the U.S. Army Corps of Engineers. The Program will also examine and coordinate the study of the winter navigation issue.
- 3.7 The Coastal Management Program shall support research and public education on the dangers associated with these hazards in the form of technical analysis of data, and recommendations for structural and non-structural alternatives to alleviate erosion impacts, coordinating fully with the UW-Sea Grant College Program, the Wisconsin Geologic and Natural History Survey, the Department of Natural Resources, and Soil and Water Conservation Districts.

- 3.8 The Coastal Management Program will support local and state efforts to identify and designate hazard areas as areas of special management concern and develop specific management policies for each and will provide financial and technical assistance to local and state agencies to implement those policies for designated areas.



IV. COMMUNITY DEVELOPMENT

a. Issues and Problems

1. Many communities along the Great Lakes are experiencing considerable growth. There is a need for balanced community growth to reduce wasteful sprawl development, assure the adequate provision of community services and protect aesthetic values. The need is particularly strong in rural, largely undeveloped areas.
2. Many of the state's historic and cultural resources are located in the coastal area, the site of Native American settlement and much of the early exploration and settlement by Europeans. The increasing economic and physical development of the coastal area is threatening to alter or destroy areas of historic and archeological significance; still other areas face continued decay as a result of neglect.
3. In some communities the waterfront suffers from safety hazards and blight due to obsolescent structures or waterfront deterioration. Flooding, storms, surface water pollution, and shoreland structures too costly to maintain contribute to this condition. Rarely are funds available for restoration of such areas.
4. Wisconsin's shoreline is increasingly used for recreation at unprecedented levels due to close proximity of population centers and to overcrowding of some inland lakes. Yet the Lakes Michigan and Superior coastlines are ill-prepared to handle this increase. The demand for public access to the lakes has outstripped the supply, especially in urban areas. There is a need for expanded and improved recreational facilities and services.
5. Community development frequently requires shoreland alteration, including dredging, filling, placement of structures (piers, erosion protection structures, etc.), grading of banks, and constructing canals, lagoons, lakes or the like. If not properly carried out, the activities can disturb water quality, disrupt fish and wildlife habitat, obstruct navigation, increase shore erosion rates, or contribute to increased flooding.

b. General Policy Statement

- 4.0 The state's policy on coastal community development shall be to ensure the orderly and balanced development of coastal communities, giving full consideration to economic, ecological, human resource, cultural historic, recreational, and aesthetic values, and existing and future needs by:
 - a. Requiring local ordinances that ensure the efficient use, conservation, development and protection of the state's coastal resources in rural areas;

- b. Ensuring that subdivisions are laid out in an orderly fashion, are properly surveyed, and make adequate provision of public access to coastal waters;
- c. Ensuring that the state's significant historic, architectural and archeological resources are identified, recognized and protected in all state activities and that efforts are undertaken to ameliorate any potential adverse effects caused by state action.
- d. Designating and aiding in the restoration of blighted waterfront areas so as to protect and enhance public safety, aesthetics, and economic well-being;
- e. Acquiring additional recreational lands in heavily populated areas of the state; and
- f. Ensuring that shoreland alterations are not detrimental to fish and wildlife habitat, navigation, flood flow capacity or the public interest.

c. Specific Policies

- 4.1 All coastal counties shall adopt and enforce management programs for all unincorporated coastal shorelands. These programs shall: maintain safe and healthful conditions; prevent and control water pollution; protect fish and aquatic life, particularly spawning grounds; control land uses, placement of structures, and building sites; reserve and protect shore cover; and protect natural beauty. (See managed use #2 m, Wis. Stats. Sections 59.971 and 144.26, and Wis. Admin. Code NR 115).
- 4.2 All subdivisions creating five or more lots of one and one-half acres or less within a five year period shall meet state standards on surveying, lot size and street width and connections and shall provide public access at not less than one-half mile intervals. (See managed use #2 l, Wis. Stats. Chapter 236, and Wis. Admin. Codes LAD 1, 2, H65, and Hy 33).
- 4.3 Grading or exposing top soil in excess of 10,000 sq. feet on the banks of any body of navigable water shall not be permitted if it contaminates or renders unclean or impure the air, land or waters of the state or makes the same injurious to public health or harmful for commercial or recreational use, is deleterious to fish, bird, animal or plant life or habitat, or materially injures the rights of riparian owners. (See managed use #2 a and Wis. Stats. Sections 30.19 and 144.30(a)).
- 4.4 The State Historical Society shall engage in a comprehensive program of historic preservation for the education, inspiration and enrichment of citizens. This program shall include preparation of a state historical plan, provision of technical assistance to local governments, and conduct of a survey to identify and document historic properties. (See GAMC's #1, 5, and 6 and Wis. Stats. Section 44.22).

- 4.5 The state long-range public building program shall recognize the importance of historic properties and may include a program of preservation and restoration of those historic properties under state control. (See GAMC #1, 5 and 6, managed use #2 f and Wis. Stats. Section 44.22).
- 4.6 The State Historical Society shall review and comment upon the actions of any state agency that may have an adverse effect upon historic properties, and shall seek the amelioration of any adverse effects. (See GAMC's #1, 5, 6 and Wis. Stats. Sections 1.11 and 44.22).
- 4.7 State aesthetic resources shall be protected and enhanced through the regulation of billboards, the screening of junkyards, the purchase of scenic easements, the development of parkways, and the establishment and operation of a Rustic Roads program. (See GAMC #6, managed use # 2 q, Wis. Stats. Sections 83.42, 84.09, 84.105, 84.30, and 84.31).
- 4.8 Public access of at least 60 feet in width shall be provided at not less than one-half mile intervals by all subdivisions abutting navigable lakes or streams. Once provided, public access to navigable waters shall not be discontinued without state approval. (See managed use # 2 l and Wis. Stats. 80.41 and 236.16(3)).
- 4.9 The state shall establish a state park system and shall give principal emphasis to the acquisition of recreational lands in the heavily populated areas of the state and in places readily accessible to such areas. (See GAMC #1 and Wis. Stats. Sections 23.09 and 27.01 and Wis. Admin. Code NR 1.40. Also see Issue Area 2 for other discussion of state parks).
- 4.10 Local communities shall be encouraged to provide local recreational and educational opportunities through provision of state aids. (See GAMC #1 and Wis. Stats. Section 23.30).
- 4.11 Dredging, filling, placing structures upon, and removing materials from the bed of navigable waters shall not be allowed if it damages the public interest, is deleterious to fish or game habitat, materially obstructs navigation or reduces effective flood flow capacity. (See GAMC #2, managed uses 1a, b, f, and g and Wis. Stats. Sections 30.12 and 30.20).
- 4.12 Enlarging the course of a navigable water, constructing an artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway or connecting an artificial waterway with an existing body of navigable water shall not be allowed if it damages the public's interest in the waters, is deleterious to fish or game habitat, materially obstructs navigation, or reduces effective flood flow capacity. (See managed uses #1c, d, and e and Wis. Stats. Section 30.19).

d. Coastal Program Activities

Public preference, as measured in the fall 1976 questionnaire (Coastal Survey, 1977) was that a major emphasis be placed on assisting local communities to resolve local coastal problems and evaluate coastal development. In this regard, the Coastal Management Program will focus on the objectives of public education, improving implementation by a special designation of areas and uses, and assistance to local governments.

- 4.13 The Wisconsin Coastal Management Program will support public awareness and involvement in resolving local community coastal problems, with emphasis on the special needs of, or barriers to, low-income, elderly, handicapped, and minority groups in coastal plans and proposals.
- 4.14 The Wisconsin Coastal Management Program will support local governmental efforts to identify and designate areas of significant natural, recreational, scientific, cultural, or historic value and develop specific management, preservation, or restoration policies for each area, with emphasis on recreation access and blight. This effort will be coordinated with the program referenced in policy 4.4.
- 4.15 The Wisconsin Coastal Management Program will provide financial assistance to local governments to implement the specific management policies of designated areas.
- 4.16 The Wisconsin Coastal Management Program will provide financial and technical assistance to local governments to improve their coastal management capabilities, with emphasis on staff training, ordinance revision, data collection and analysis, and county shoreland zoning.



V. ECONOMIC DEVELOPMENT

a. Issues and Problems

Economic conditions vary widely along Wisconsin's Great Lakes coasts. Despite an apparent recent upturn the Lake Superior area has generally been economically depressed, while economic growth has characterized the state's southern Lake Michigan area. The use of the Great Lakes as a transportation medium and as a recreational resource has a significant impact on the Wisconsin economy. (See Issue Area 4 for a discussion of the recreational access topic; also see Issue Area 2 for a discussion of sport and commercial fishing). Specific economic development issues and problems include:

1. The counties bordering Lake Superior, characterized by high unemployment, low median incomes, and higher than state average median age population, need balanced and increased economic growth. Presently the region depends on employment in retail trade, governmental services, and resource-based manufacturing. New job opportunities and the provision of local public services are needed to attract businesses, diversify the economy, and revitalize declining communities. Economic development throughout the coastal area must be compatible with the local environment, the labor force, local economic needs, and existing facilities.
2. Competition for shore property can exclude those uses that can only be sited at the water's edge. The relatively few areas which meet the special needs of commercial harbors and marinas have seldom been set aside for these uses. While few shoreland uses are exclusive, many are incompatible with surrounding uses and with the capability of the land, air, and water to support them. There is also a need to consider the impact of losing unique agricultural, mining, and forestry lands and conversion of areas especially suited to outdoor recreation to other uses.
3. Ports are important to the economic well-being of Wisconsin, both for the provision of jobs and the provision of a competitive mode of transportation that generally lowers shipping rates. However, a number of the state's ports and harbors have been declining or stagnating. For continued operation, ports and harbors must be maintained to adequate depths to allow oceangoing and lake vessels access to shore facilities. There needs to be enough cargo passing through them to maintain favorable rates and profitable operation. There is a need for some modernization to keep pace with cargo handling technologies.

4. A more specific transportation problem relates to potential discontinuation of cross-lake ferry service. The loss of this service would increase shipping rates and reduce tourism, both to the economic detriment of the Wisconsin coastal area.
5. The shoreline is attractive for power plant sites because of the easy access to cooling waters and existing transportation facilities. The local impact of power plant locations can be significant, both during construction and thereafter. New demands are placed on community services and some adverse environmental impact is almost inevitable. (Also see Issue Area 1 for discussion of water and air quality topics).

b. General Policy Statement

- 5.0 The state's policy on economic development shall be to stimulate desirable economic development that broadens the coastal area economy and to encourage the designation and reservation of areas of significance to activities requiring a coastal location by:
 - a. Providing special planning, management and promotional attention to Great Lakes port and transportation issues;
 - b. Coordinating, stimulating and promoting the orderly and environmentally sound provision of business and tourism facilities; and
 - c. Managing the planning for and siting of electrical generating and transmission facilities so as to ensure protection of water quality, public and riparian rights and orderly land use.

c. Specific Policies

- 5.1 The state shall promote business and industrial development so as to broaden and strengthen the state's economy. (See GAMC #2 and Wis. Stats. Sections 560.03 and 560.23).
- 5.2 The state shall locate and maintain information on prime industrial sites. (See GAMC #2 and Wis. Stats. Section 560.23).
- 5.3 The state shall promote a balanced transportation system that includes highway, rail, water travel and other facilities adequate to meet public needs. (See managed uses #2 h, i, j, k and Wis. Stats. Sections 85.02, 194.02, 195.199, and Chapter 196).
- 5.4 The state shall promote travel to Wisconsin's scenic, historic, natural, agricultural, educational, and recreational attractions. (See GAMC #1 and Wis. Stats. Section 560.23).
- 5.5 The orderly and ecologically sound development of commercial tourist facilities shall be coordinated and stimulated by the state. (See GAMC #2 and Wis. Stats. Section 560.23(1)(f)).
- 5.6 The state shall protect forests from destruction and premature cutting through planned development and sound forestry practice, giving full recognition to the concept of multiple use to assure maximum public benefits. (Wis. Stats. Section 28.04, 28.11 and 77.01).

- 5.7 The state shall provide tax relief to those agricultural areas subject to approved local exclusive agricultural zoning or subject to farmland preservation contracts. (See Wis. Stats. Section 71.09(11) and Chapter 91).
- 5.8 The state shall formulate and coordinate a program of port planning, promotion, protection and development. (See GAMC #2 and Wis. Stats. Sections 560.03 and 560.04).
- 5.9 Buoys and beacons necessary for free navigation shall not be unlawfully disturbed or interfered with. (See Wis. Stats. Section 30.15 and 30.17).
- 5.10 The state shall require advance planning for and shall regulate the siting of electrical generating and transmission facilities. (See GAMC #4, managed use #2 c, Wis. Stats. Sections 30.025 and 196.491 and Wis. Admin. Code PSC 111). This process shall include the following elements and provisions:
 - a. Such a facility can be located adjacent to a waterway only if it does not unduly affect:
 - (1) public rights and interests in navigable waterways;
 - (2) the effective flood flow capacity of a stream;
 - (3) the rights of riparian owners; or
 - (4) water quality.
 - b. The design and location or route of such a facility must be found to be in the public interest, considering alternative sources of supply, alternative locations or routes, individual hardships, engineering, economic, safety, reliability and environmental factors.
 - c. Such a facility shall not have an undue adverse impact on other environmental values such as, but not limited to, ecological balance, public health and welfare, historic sites, geological formations, the aesthetics of land and water and recreational use.
 - d. Such a facility shall not unreasonably interfere with the orderly land use and development plans for the area involved.
 - e. Electric utilities shall biennially file a plan with the Public Service Commission which shall include such things as general location, size, and type of facilities which are owned or operated by the utility or the construction of which is expected to commence within the next ten years; practical alternates to the general location, fuel type and method of generation of proposed electric generating facilities; the projected demand for electric energy, etc.
 - f. The Public Service Commission shall approve the plan upon a determination that the advance plan:

- (1) will provide a reasonably adequate supply of electrical energy to meet the needs of the public during the planning period;
- (2) is in the public interest when considering engineering, economic, health, safety, reliability, efficiency and environmental factors and alternate methods of generation or sources of supply;
- (3) is reasonably coordinated with long-range plans and policies of other agencies or that a reasonable effort has been made to coordinate with such plans and policies; and
- (4) provides for programs which discourage inefficient and excessive power use.

g. No facility shall be approved if it is not in substantial compliance with the most recent advance plan filed, except where the Public Service Commission finds that the need for the facilities or lines could not have been reasonably foreseen by the utility at the time of the filing.

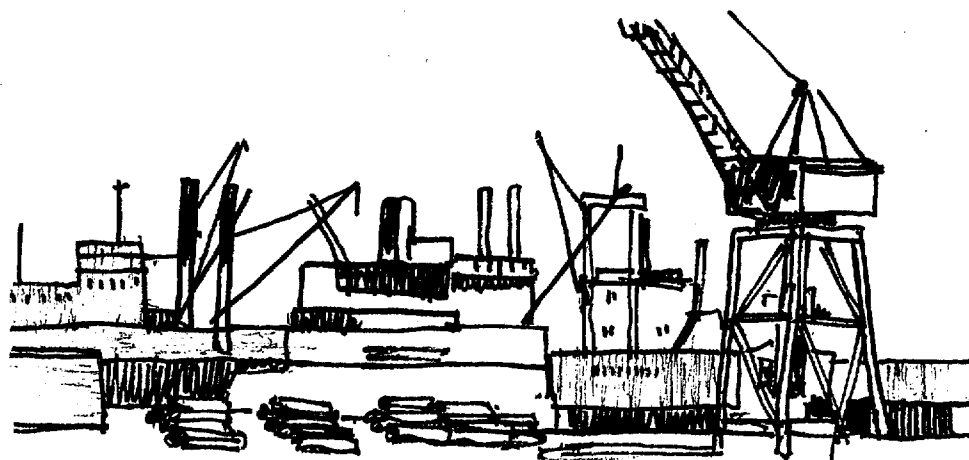
5.11 Once a state permit for construction of electrical generating or transmission facilities has been issued, local ordinances shall not preclude or inhibit the installation or utilization of the facility. (See GAMC #4, managed use #2 c, and Wis. Stats. Section 196.491).

5.12 The state shall prepare and maintain contingency plans for responding to critical energy shortages so that when the shortages occur, they can be dealt with quickly and effectively. (See Wis. Stats. Section 16.95).

d. Coastal Program Activities

- 5.13 The Wisconsin Coastal Management Program will support research and public education about the economic base of coastal areas.
- 5.14 The Coastal Management Program will seek to improve the coordination of policies which affect the economies of coastal areas.
- 5.15 The Coastal Management Program will seek to improve the implementation and enforcement of existing state regulatory and management programs which influence the economic well-being of citizens along the Great Lakes.
- 5.16 The Wisconsin Coastal Management Program will provide financial assistance to state and local agencies to implement the specific management policies of designated economic areas and improve the implementation of existing programs to broaden the economic base of communities with desirable diversifications of industry and to effectively manage coastal land and water resources which influence community development.

- 5.17 The Wisconsin Coastal Management Program will support local government efforts that consider in their coastal plans and programs the concept that waterfront locations be kept available for activities which need such locations and that unnecessary development not consume coastal resources particularly suited to other uses.
- 5.18 The Wisconsin Coastal Management Program will support local government efforts to locate new coastal development adjacent to existing areas which can provide adequate public services.
- 5.19 The Wisconsin Coastal Management Program will advocate the role of the Great Lakes ports both within the state and at the national level.
- 5.20 The Wisconsin Coastal Management Program will support state and local government efforts to (a) identify and designate areas especially suited for water-related economic development and power plant sites approved through the power plant siting process of the Public Service Commission and (b) develop specific management policies for each.



VI. GOVERNMENTAL INTERRELATIONSHIPS

a. Issues and Problems

1. There are many programs and laws, spread among many agencies and levels of government, that apply to the coastal area. There is a strong need for improved coordination and communication on specific programs and projects. While more difficult, the need for improved coordination is even stronger at the policy level.
2. More specifically, there is a strong concern about the paperwork and time-consuming procedures that accompany many government programs. A need has been suggested for streamlined procedures and a clearinghouse for information on regulatory programs.
3. Given Wisconsin's home-rule status, citizens and local governments are concerned in maintaining a degree of local control in governmental decision-making. Even citizens who favor a strong state coastal management program are concerned that actual implementation takes place as close to the local level as possible.
4. The Great Lakes remain an under-represented "national coast" at the federal level. The Great Lakes were added as an afterthought in the final stages of passage of the 1972 federal Coastal Zone Management Act.

b. General Policy Statement

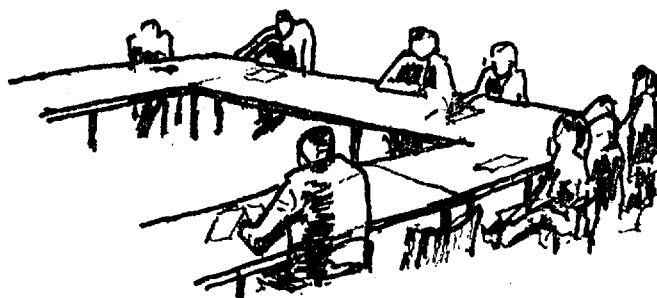
- 6.0 The state policy on government interrelationships shall be to ensure intergovernmental communication, cooperation and coordination in all aspects of coastal management through:
- a. Creating and operating an interagency, intergovernmental Coastal Management Council with representation from all directly affected agencies and levels of government and citizens within the state;
 - b. Creating and maintaining technical/citizen committees to ensure coordination of specific projects and programs;
 - c. Maintaining a workable system of interagency reviews and comments on coastal program activities; and
 - d. Requiring state and federal agencies to consult with and obtain the comments of other agencies with respect to any significant environmental impact involved in their major actions.

c. Specific Policies

- 6.1 A Wisconsin Coastal Management Council will be created with representation from state agencies, local governments, tribal governments, the University System and the public to oversee program operations and activities. (See Chapter II, Organization for Program Implementation).
- 6.2 The state shall evaluate the plans of all state agencies, identify both duplication and program gaps in the plans and measure the agency plans with the state goals enacted by the Governor and the legislature. (See Wis. Stats. Section 16.95).
- 6.3 Structural reorganization of state government shall be a continuing process, with the goals of assuring responsiveness to popular control, improved public understanding of government, and efficient and effective administration of state policies, including improved management and coordination of state services and elimination of overlapping activities. (See Wis. Stats. Section 15.001 and 16.001).
- 6.4 All state agencies shall prepare detailed statements on the environmental and economic impacts of all major actions significantly affecting the quality of the human environment. Prior to making such statements, the agency shall consult with any other agency that has jurisdiction or special expertise with respect to any environmental impact involved. (See Wis. Stats. Section 1.11).
- 6.5 All agencies shall study, develop and describe appropriate alternatives to their actions referenced in policy 6.4 that involve unresolved conflicts concerning alternative uses of available resources. (See Wis. Stats. Section 1.11).
- 6.6 The state shall foster closer cooperation and coordination between state and local government and encourage a pattern of state-local relationships that facilitates effective development and utilization of state and local resources in meeting citizen needs. (See Wis. Stats. Section 22.03).
- 6.7 State agencies and localities shall mutually cooperate to enhance the quality, management and protection of the state's air, land, and water resources. (See Wis. Stats. Section 144.31).

d. Program Activities

- 6.8 The Coastal Management Program will use existing review processes (A-95, NEPA, and WEPA) to ensure coordination of federal, state, and local policies and programs.
- 6.9 The Coastal Management Program will support tribal governments in their efforts in coastal management.
- 6.10 The Coastal Management Program will improve coordination with adjacent Great Lakes states and federal agencies with continuing programs affecting Lakes Michigan and Superior.
- 6.11 The Coastal Management Program will improve information flow and coordination of policies related to key coastal areas and uses and with emphasis on streamlining procedures and eliminating duplication or conflicting efforts.
- 6.12 The Coastal Management Program will perform advocacy functions in seeking increased policy recognition of the Great Lakes in policy by all levels of government, with emphasis on the federal level.



VII. PUBLIC INVOLVEMENT

a. Issues and Problems

1. There is a need for increased public awareness and understanding of coastal issues. There is also a need for provision of adequate information on the scope of coastal issues and options for addressing those issues.
2. There is a need for increasing and improving the opportunities of citizens and public interest groups to effectively participate in governmental decision-making on coastal issues.

b. General Policy Statement

- 7.0 The state's policy on public involvement shall be to provide citizens with full opportunities for early and continuous involvement in coastal management through effective communication and participation.

c. Specific Policies

- 7.1 The public shall be entitled to the fullest and most complete information regarding the affairs of government, compatible with the conduct of government business. To this end, all meetings of all state and local governments shall be preceded by public notice, shall be open to the public, and shall be held in places reasonably accessible to members of the public. (See Wis. Stats. Sections 19.81 and 19.83).
- 7.2 Any person may, with proper care, examine and copy any official property and records. (See Wis. Stats. Section 19.21).
- 7.3 The state shall establish a citizens environmental council to educate and advise the general public for the purpose of facilitating effective public awareness on environmental activities. (See Wis. Stats. Section 144.76).
- 7.4 The Department of Natural Resources shall, upon the verified complaint of six or more citizens, hold a public hearing relating to any alleged or potential environmental pollution. The alleged or potential polluter shall be served with notice of the hearing and the department shall, within 90 days after the hearing, issue findings of fact, conclusions of law and an order. (See Wis. Stats. Section 144.537).
- 7.5 The state shall establish and provide for a "public intervenor" in the Department of Justice with responsibility and authority to intervene in proceedings where necessary to protect public rights in waters or other natural resources. (See Wis. Stats. Section 165.07 and Part IV, Appendix H of this proposal).

d. Coastal Program Activities

- 7.6 The Coastal Management Program shall support public education and awareness of coastal issues and broadly disseminate program materials.
- 7.7 The Coastal Management Program shall create a broad State Citizens Advisory Committee, with independent staffing, to monitor program implementation and to develop, recommend and sponsor public information, education, and participation programs (see Section II. C. Organization for further discussion).
- 7.8 The Coastal Management Program shall create regional coastal task forces to facilitate full participation in the program on a continuing basis by interested local parties (see Section II. C. Organization for further discussion).
- 7.9 The Coastal Management Program shall provide appropriate forums to involve and educate citizens on projects and programs which have a significant or controversial impact on coastal resources; subject those projects and programs to public scrutiny and discussion; and make recommendations concerning such projects and programs to appropriate governmental agencies.
- 7.10 The Coastal Management Program shall encourage Program participants (defined in Glossary) to hold public informational meetings and involve citizens and technical members in issue study, problem identification, proposal development and decision-making.

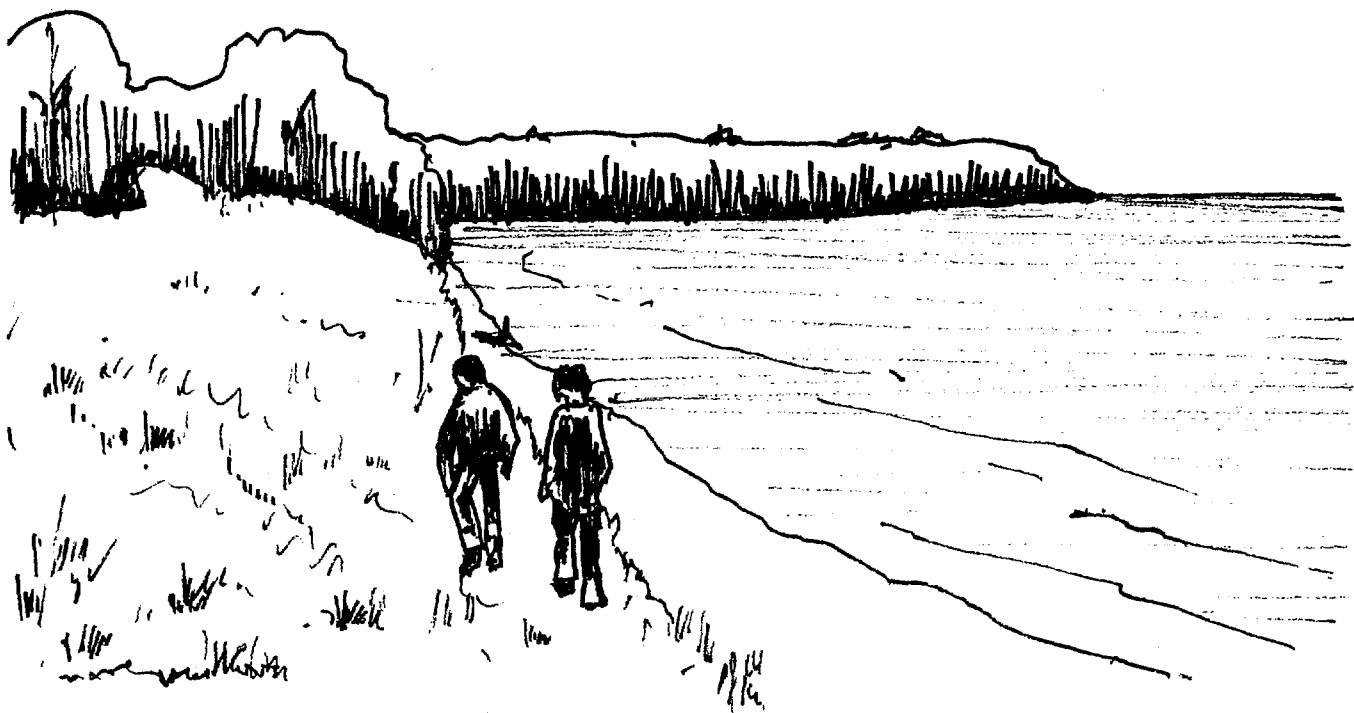


TABLE 3 - COASTAL ISSUES, POLICIES, AND RELATED GAMC'S AND MANAGED USES

ISSUE 1: COASTAL WATER AND AIR QUALITY

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>1. Coastal Water and Air Quality</p>	<p>General Policies:</p> <p>1.0 The state policy on coastal water quality shall be to improve the quality and management of the waters of the coastal area; to restore the chemical, physical and biological integrity of its waters; to protect public health, safeguard aquatic life and scenic and ecological values; and to enhance the domestic, municipal, recreational, industrial, agricultural and other uses of water. The state policy on coastal <u>air quality</u> shall be to improve the quality of the air resource through restricting any new air contaminant source and restricting the discharge of hazardous pollutants.</p>		
<p>Specific Issues:</p> <p>1. The Great Lakes are used for disposal of industrial, shipping and municipal wastes. Non-point sources of pollution, such as agricultural runoff, runoff from construction sites, sedimentation and shore erosion, compound water quality problems.</p>	<p>Specific Policies:</p> <p>1.1 The elimination of the discharge of pollutants to water shall be the long-range goal of the state. (Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500 and Wis. Stats. Section 147.01(1)(a)).</p> <p>1.2 An interim goal is the protection and propagation of fish and wildlife and the maintenance of water quality to allow recreation in and on the water to be achieved by 1983. (Wis. Stats. Section 147.01(1)(b)).</p> <p>1.3 Discharges of effluents, including industrial, municipal and agricultural wastes, into any waters of the state shall not be allowed if they exceed federal and state water quality standards. (Wis. Stats. Sections 147.015(3) and 147.02, and Wis. Admin. Code NR 221 to 297).</p> <p>1.4 Disposal in the waters of the state of certain defined pollutants shall be restricted. (Wis. Stats. Section 147.015 (3), 147.02(1), 29.288 and 29.29).</p> <p>1.5 Water quality standards for rivers emptying into the Great Lakes shall be as high as is practicable. (Wis. Stats. Section 144.025).</p>	<p><u>Water Based</u></p> <p>1 h. Discharges of effluents into coastal waters. (Wis. Stats. Section 147.02, 147.015, 147.02 (3), and Wis. Admin. Code NR 102, 103, 104, 200, 217, and 221 to 297).</p> <p>1 i. Placing refuse in coastal waters. (Wis. Stats. Section 29.288 and 29.29 (3) and Chapter 144).</p> <p><u>Land Based</u></p> <p>2 c. Siting electrical generating and high voltage transmission facilities. (Wis. Stats. Section 196.491(3)(d)4).</p> <p>2 d. Constructing sewer and water utility facilities. (Wis. Stats. Section 144.04 and Wis. Admin. Code NR 108.04 and 110).</p>	

ISSUE 1: COASTAL WATER AND AIR QUALITY (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	<p>1.6 Municipalities shall provide, at a minimum, secondary treatment and effluent disinfection. (1972 P. L. 92-500, Wis. Stats. Section 147.04(3)(a) and Wis. Admin. Code NR 102.04).</p> <p>1.7 Phosphorus removal from sewage shall be required in municipalities with 2,500 people or more that discharge treated water into Lakes Michigan and Superior and their tributaries. (Wis. Admin. Code NR 102.04).</p> <p>1.8 Sewer extensions shall be allowed only where adequate treatment capacity exists. (Wis. Admin. Code NR 110.05).</p> <p>1.9 Thermal discharges shall not raise the receiving water temperatures more than 3°F above the existing natural temperature at the boundary of mixing zones. (Wis. Admin. Code NR 102.05).</p>		
<p>2. The increasing presence of toxic substances in the Great Lakes is emerging as a serious water quality problem and health hazard.</p>	<p>1.10 The discharge of toxic pollutants in toxic amounts shall be prohibited. (Wis. Stats. Section 147.01(1)(c)).</p> <p>1.11 Discharge of inorganic mercury compounds and metallic mercury to the waters of the state shall be regulated and restricted. (Wis. Stats. Section 144.423 and Wis. Admin. Code NR 100.02).</p> <p>1.12 The sale, distribution, storage, use and disposal of pesticides shall be regulated to protect the public from injury and wild animals from serious hazard. (Wis. Stats. Sections 94.69 and 29.29(4)).</p>	<p><u>Water Based</u></p> <p>1 h. Discharges of effluents into coastal waters. (Wis. Stats. Sections 147.02, 147.015(13), 147.02(3), and Wis. Admin. Code NR 102, 103, 104, 200, 217, and 221 to 297).</p> <p><u>Land Based</u></p> <p>2 p. Using pesticides. (Wis. Stats. Sections 15.195(1), 29.29(4), 94.69, 140.77, 134.67, and Wis. Admin. Code AG 29 and NR 80).</p>	

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>3. Inadequate or malfunctioning private waste or septic systems have created another water quality problem and have caused localized public health problems.</p>	<p>1.13 Lots not served by public sewer shall have area and width restrictions. Based on soil tests, area for one sewage absorption field and area for one replacement system shall be provided. Location of septic tanks near navigable waters shall be restricted. (Wis. Stats. Chapter 236, and Wis. Admin. Code H 62.20, 65, and NR 115).</p>	<p><u>Land Based</u> 2 e. Using private waste treatment and disposal facilities. (Wis. Stats. Sections 60.315 and 145.045, and Wis. Admin. Code H 62.20 and NR 113). 2 1. Platting subdivisions that create 5 or more lots of 1½ acres or less. (Wis. Stats, Chapter 236 and Wis. Admin. Code H 65).</p>	
<p>4. A number of coastal communities rely on the Great Lakes for their water supply. However, increasing urbanization and industrialization threaten municipal water supplies by making the water unsafe for consumption.</p>	<p>1.14 The state shall establish, administer and maintain a safe drinking water program no less stringent than the requirements of the safe drinking act of 1974, P.L. 93-523. (Wis. Stats. Section 144.025(2)(t)).</p>	<p><u>Water Based</u> 1 j. Obtaining drinking water. (Wis. Stats. Sections 144.025(2)(e), 144.04, 147.02, 162.01 and 196.02(1), and Wis Admin. Code NR 111 and 112). <u>Land Based</u> 2 o. Obtaining drinking water. (Wis. Stats. Sections 144.025(2)(e), 144.04, 147.02, 162.01 and 196.02(1), and Wis. Admin. Code NR 111 and 112).</p>	
<p>5. High water quality, including its aesthetic qualities, must be maintained to allow recreational use of the Great Lakes to continue.</p>	<p>(Increased pollution and, in some areas erosion and siltation, affect the use of the Great Lakes as a recreational resource; see the first Issues and Problems section in this Issue area for the related policy statements, managed uses and GAMC's).</p>		

ISSUE 1: COASTAL WATER AND AIR QUALITY (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>6. Summertime ozone concentrations and the emission of sulfur into the air are Wisconsin's primary air quality problems.</p> <p>7. The level of particulates suspended in the air is recognized as a principal statewide air quality problem.</p> <p>8. Air quality affects water quality, in that up to 25% of the particles in air will settle out or be washed by rain into the Great Lakes.</p>	<p>1.15 No new air contaminant source shall be permitted to be constructed, installed or established which directly or indirectly emits air contaminants that make the air injurious to health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life, without complying with federal and state air quality standards. (Wis. Stats. Sections 144.30 and .39 and Wis. Admin. Code NR 154 and 155).</p> <p>1.16 Hazardous pollutants shall not be discharged into the ambient air in such quantity, concentration or duration as to be injurious to human health and plant or animal life. (Wis. Admin. Code NR 154 and 155).</p>	<p>Land Based</p> <p>2 n. Emitting air pollutants from point sources. (Wis. Stats. Sections 144.30(1) and (2), 144.30 to 144.46, and NR 154 and 155).</p>	
	<p>PROGRAM ACTIVITIES</p> <p>1.17 The program will perform advocacy functions in monitoring and reviewing changes and additions in water and air quality programs and regulations which impact on coastal resources and people.</p> <p>1.18 The program will support public awareness and research of (a) factors affecting Great Lakes water quality and supply, with emphasis on the trans-lake shipment of oil and other energy resources; (b) the unique climatic characteristics and limitations of coastal air resources; (c) air as a transmitter of pollutants to Great Lake waters, and (d) the impact of noise on the natural, cultural, and social environment.</p> <p>1.19 The program will encourage consideration of water, air and noise pollution in the development of plans and proposals for program funding.</p> <p>1.20 The program will provide financial assistance to improve implementation and enforcement on existing water and air quality programs where gaps or weaknesses are identified, with emphasis on (a) on-site waste disposal; (b) disposal of hazardous substances; (c) disposal of dredge spoils; and (d) coordination and air quality monitoring.</p>		

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>2. Natural Areas, Wildlife Habitats and Fisheries</p>	<p>General Policies</p> <p>2.0 The policy of the state is to conserve and enhance the natural land and water resources of the State by:</p> <ul style="list-style-type: none"> a. Designating and managing special areas of the State, including scientific areas, state parks, state forests, state wildlife areas, so as to protect and enhance fish and wildlife habitat, forest resources, lakes and streams, recreation resources, and endangered plant and animal species; b. Providing special management attention to the conservation and enhancement of Great Lakes Fisheries resources, by conducting fish rearing, fish stocking, and fisheries research programs; by regulating sport and commercial fishing; by designating certain portions of the Great Lakes as fish habitat protection areas; c. Ensuring that the following activities that are engaged in or are subject to regulation by state agencies are conducted so as to minimize the destruction or degradation of coastal wetlands and to preserve the natural and beneficial values of coastal wetlands and the public interest therein. These activities include: 1) the acquisition, management and disposition of state lands and facilities; 2) construction activities assisted by or directly undertaken by state agencies; and 3) regulation of land and water uses in coastal wetland areas. 		

ISSUE 2: NATURAL AREAS, WILDLIFE HABITATS AND FISHERIES (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>Specific Issues:</p> <p>1. Coastal natural areas, which include forests, lakes, streams, swamps, bogs, and marshlands, are in an increasingly tenuous position. The problem is particularly acute on Lake Michigan, where development threatens to invade the few extensive natural areas left. The same pressures threaten some of the state's coastal farmlands.</p>	<p>Specific Policies:</p> <p>2.1 State scientific areas, designated for purposes of scientific research, teaching of conservation and natural history, preservation of biotic communities and archeological sites, shall be disturbed as little as possible. (Wis. Stats. Section 23.27 and Wis. Admin. Code NR 45.23).</p> <p>2.2 State parks are to be established for public recreation and education. These parks will be managed to protect these values and their most logical employment and greatest usefulness. (Wis. Stats. Section 27.01(1) and (2)).</p> <p>2.3 State forests shall be primarily used for silviculture and growing of recurring forest crops. Recognizing the value of multiple use, they can be designated also for preservation with natural areas receiving a high degree of protection or for recreation with appropriate facilities. (Wis. Stats. Section 28.04).</p> <p>2.4 Taxation of agricultural land and undeveloped land need not be uniform. Farmland shall be eligible for tax credits through an approved farmland preservation agreement if there is local adoption of approved farmland preservation plans and/or approved exclusive agricultural zoning ordinances meeting state standards. (Article VIII, Sec. 1 of the Wis. Constitution, Wis. Stats. Section 71.09(11), and Chapter 91).</p> <p>2.13 Natural areas are protected through mandatory county shoreland regulation standards and criteria for unincorporated areas. Building development and uses are limited, special use permits are restricted to qualified activities, and tree cutting regulations are applicable for those areas designated as wetlands. (Wis. Admin. Code NR 115). Also see Issue Area 4--Community Development.</p>	<p><u>Land Based</u></p> <p>2 m. Using rural shorelines. (Wis. Stats. Sections 59.971, 144.26 and Wis. Admin. Code NR 115).</p>	<p>1) Areas of significant natural, scientific, or historical value.</p> <p>5) Areas for preservation are those natural, scientific, historic, and cultural areas whose unique values warrant preservation.</p>

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>2. Coastal vegetation and estuaries provide wildlife habitats that are increasingly threatened by pressures similar to those that threaten natural areas.</p>	<p>In addition to the above:</p> <p>2.5 Hunting is prohibited in state parks except for selective game management of deer. (Wis. Admin. Code NR 10.27).</p> <p>2.6 State wildlife areas shall be managed for wildlife habitat and public hunting. (Wis. Stats. Section 23.09(2)(d)3).</p> <p>2.7 The sale, processing and distribution of fish, wildlife and plant life designated by the state and/or the U.S. as endangered, native and foreign species is prohibited. (Wis. Admin. Code NR 27).</p> <p>2.13 Habitat areas are protected through mandatory county shoreland regulation standards and criteria for unincorporated areas. Building development and uses are limited, special use permits are restricted to qualified activities, and tree cutting regulations are applicable for those areas designated as wetlands. (Wis. Admin. Code NR 115). Also see Issue Area 4--Community Development.</p>	<p><u>Water Based</u></p> <p>1 h. Discharges of effluents into coastal waters. (Wis. Stats. Sections 147.015(13), 147.02, 147.25 and Wis. Admin. Code NR 102, 103, 104, 200, 217, and 221 to 297).</p> <p><u>Land Based</u></p> <p>2 m. Using rural shorelines. (Wis. Stats. Sections 59.971, 144.26, and Wis. Admin. Code NR 115).</p>	<p>1) Areas of significant natural, scientific, or historical value.</p> <p>5) Areas for preservation are those natural, scientific, historic, and cultural areas whose unique values warrant preservation.</p>
<p>3. Great Lakes fisheries are endangered due to poor water quality and the presence of toxic substances. There is also a need for adequate protection of spawning grounds.</p>	<p>2.8 Special regulations are applicable to designated state trout streams. (Wis. Stats. Section 30.19 and Wis. Admin. Code NR 102).</p> <p>2.9 State fish management areas shall be designated and managed to assure protection and perpetuation of all species, foster and promote the preservation of required habitat for all species. (Wis. Admin. Code NR 1.01).</p> <p>2.10 State fish management easements shall provide public access for public fishing. A permit will be required in these areas for removal of trees, shrubs, altering topography and erecting new structures. (Wis. Stats. Section 23.09(2)(d)).</p> <p>2.11 The state shall create and maintain a sport fishery through programs of fish breeding, rearing, and stocking, and resources research. (Wis. Stats. Section 23.09 and Wis. Admin. Code NR 1.01).</p>	<p><u>Water Based</u></p> <p>1 k. Harvesting fish for commerce or sport. (Wis. Stats. Sections 29.01, 29.085, 29.09, 29.30 and 29.33, and Wis. Admin. Code NR 20).</p>	<p>1) Areas of significant natural, scientific, or historical value.</p> <p>5) Areas for preservation are those natural, scientific, historic, and cultural areas whose unique values warrant preservation.</p>

ISSUE 2: NATURAL AREAS, WILDLIFE HABITATS AND FISHERIES (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	<p>2.12 Sport and commercial fishing shall be regulated and commercial fishing shall be prohibited in designated state fish refuges. (Wis. Stats. Section 29.085, 29.14, 29.145, 29.166, 29.30, 29.33, and 29.36 and Wis. Admin. Code NR 26.23).</p>		
	<p>PROGRAM ACTIVITIES</p> <p>2.14 The program will support public awareness and education efforts tied to areas of significant natural and scientific value.</p> <p>2.15 The program will support the accelerated collection of data on soils, geology, hydrology, topography, and other where needed for coastal management decisions.</p> <p>2.16 The program will support local and state agency efforts to identify and designate areas of significant natural and scientific value and develop specific management policies for each area.</p> <p>2.17 The program will provide financial and technical assistance to state and local agencies to implement the specific management policies for these designated areas.</p> <p>2.18 The program will provide financial assistance to improve the implementation and enforcement of existing programs which manage uses with a significant impact on the coastal environment where gaps or weaknesses are identified. Particular attention would be given to Great Lakes fisheries resources, coastal wetlands, and other areas of natural and scientific value.</p>		

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>3. Coastal Erosion and Flood Hazard Areas</p>	<p>General Policies:</p> <p>3.0 It is the state's policy to mitigate risks to public health and safety and risks of property damage in areas subject to natural hazards by:</p> <p>a. Providing that all development in areas subject to serious flooding will not materially alter the natural capacity of the lake or river so that the magnitude of floods will be intensified, or expose citizens to hazards or cause future public expenditures for flood disaster relief.</p> <p>b. Regulating those earth moving, devegetation, and construction activities now reviewed by State agencies so as not to accelerate the rate of shoreline erosion or bluff recession.</p>		
<p>Specific Issues:</p> <p>1. A number of shore properties have suffered and are facing severe property damage due to shore erosion.</p> <p>2. Shore erosion and sedimentation can damage lake aesthetics, may damage fish habitat and may increase water treatment maintenance and dredging costs.</p>	<p>Specific Policies:</p> <p>3.2 Within unincorporated areas a setback of 75 ft. from the ordinary high water mark shall be required, unless an existing development pattern exists. (Wis. Stats. Sections 54.971 and 144.26, and Wis. Admin. Code NR 115).</p> <p>3.5 Rip rap or other similar material for protecting stream banks or lake shore from erosion shall not materially impair navigation or damage fish and game habitat. (Wis. Stats. Section 30.12(2)(b)).</p>	<p><u>Water Based</u></p> <p>1 g. Placing structures upon the bed of the Great Lakes or other navigable coastal water. (Wis. Stats. Section 30.12(1) and (2)).</p> <p><u>Land Based</u></p> <p>2 a. Grading or removing top soils which disturbs 10,000 sq. feet or more of the banks of the Great Lakes or other navigable coastal water. (Wis. Stats. Sections 30.19 and 144.30(9)).</p> <p>2 m. Using rural shorelands. (Wis. Stats. Sections 59.971 and 144.26, and Wis. Admin. Code NR 115).</p>	<p>3) Hazard areas are those areas prone to sever erosion and/or flooding that may impose danger to public use or substantial immediate or future public costs.</p>

ISSUE 3: COASTAL EROSION AND FLOOD HAZARD AREAS (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>3. Flooding is a serious concern along the west and south shores of Green Bay. Serious flooding has caused localized hazards to safety as well as property damage.</p>	<p>3.1 Counties, cities and villages shall adopt reasonable and effective flood plain zoning ordinances for those parts of their jurisdiction subject to serious flood damage. These ordinances shall provide that no buildings be constructed in floodways and that inconsistent development be prohibited in flood plains. (Wis. Stats. Section 87.30 and Wis. Admin. Code NR 116).</p> <p>3.2 Within unincorporated areas a setback of 75 ft. from the ordinary high water mark shall be required, unless an existing development pattern exists. (Wis. Stats. Sections 54.971 and 144.26, and Wis. Admin. Code NR 115).</p> <p>3.3 Solid waste disposal sites and facilities are prohibited in floodplains and within the jurisdiction of shoreland regulations. (Wis. Stats. Section 144.045 and Wis. Admin. Code NR 115).</p> <p>3.4 Subdivision plats, buildings, structures, roads, sanitary or other facilities which are reviewed by state agencies and which are in existing and potential flood hazard areas shall be prevented from exposing citizens to unnecessary hazards or cause future public expenditures for flood disaster relief. (Executive Order No. 67).</p>	<p><u>Land Based</u></p> <p>2 b. Placing structures in flood prone areas. (Wis. Stats. Section 87.30 and Wis. Admin. Code NR 116).</p> <p>2 m. Using rural shorelands. (Wis. Stats. Sections 59.971 and 144.26, and Wis. Admin. Code 115).</p>	<p>3) Hazard areas are those areas prone to sever erosion and/or flooding that may impose danger to public use or substantial immediate or future public costs.</p>
<p>4. Fluctuating lake levels, increasing erosion during periods of high water, is one of Wisconsin's most visible coastal problems.</p>	<p>Control of lakes is beyond the reach of any state program and can only be addressed in a limited sense by international bodies. (See coastal program activities).</p>		

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	<p>PROGRAM ACTIVITIES</p> <p>3.6 The program shall advocate and coordinate Wisconsin concerns about flood and erosion hazards with the Flood Insurance Administration of the U.S. Department of Housing and Urban Development and the U.S. Army Corps of Engineers.</p> <p>3.7 The program shall support research and public education on the dangers associated with these hazards in the form of technical analysis of data, and recommendations for structural and non-structural alternatives to alleviate erosion impacts, coordinating fully with the UW-Sea Grant College Program, the Wisconsin Geologic and Natural History Survey, and the Department of Natural Resources and soil and water conservation districts.</p> <p>3.8 The program shall support local and state efforts to identify and designate hazard areas as areas of special management concern and develop specific management policies for each and shall provide financial and technical assistance to local and state agencies to implement those policies for designated areas.</p>		

ISSUE 4: COMMUNITY DEVELOPMENT

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>4. Community Development</p>	<p>General Policies:</p> <p>4.0 The state's policy on coastal community development shall be to ensure the orderly and balanced development of coastal communities, giving full consideration to economic, ecological, human resource, cultural, historic, recreational, aesthetic values, and existing and future needs by:</p> <ul style="list-style-type: none"> a. Requiring local ordinances that ensure the efficient use, conservation, development and protection of the state's coastal resources in rural areas; b. Ensuring that subdivisions are laid out in an orderly fashion, are properly surveyed, and make adequate provision of public access to coastal waters; c. Ensuring that the state's significant historic, architectural and archeological resources are identified, recognized and protected in all state activities and that efforts are undertaken to ameliorate any potential adverse effects caused by state action. d. Designating and aiding in the restoration of blighted water front areas so as to protect and enhance public safety, aesthetics, and economic well-being; e. Acquiring additional recreational lands in heavily populated areas of the state; and f. Ensuring that shoreland alterations are not detrimental to fish and wildlife habitat, navigation, flood flow capacity or the public interest. 		

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>Specific Issues:</p> <p>1. There is a need for balanced community growth to reduce waste-ful sprawl development, assure the adequate provision of community services and protect aesthetic values. This need is particularly strong in rural, largely undeveloped areas.</p>	<p>Specific Policies:</p> <p>4.1 All coastal counties shall adopt and enforce management programs for all un-incorporated coastal shorelands. These programs shall: maintain safe and health-ful conditions; prevent and control water pollution; protect fish and aquatic life, particularly spawning grounds, control land uses, placement of structures, and building sites; reserve and protect shore cover; and protect natural beauty. (Wis. Stats. Sections 59.971 and 144.26 and Wis. Admin. Code NR 115).</p> <p>4.2 All subdivisions creating five or more lots of one and one-half acres or less within a five year period shall meet state standards on surveying, lot size and street width and connections. (Wis. Stats. Chapter 236, and Wis. Admin. Codes LAD 1,2, H 65, and Hy 33).</p> <p>4.3 Grading or exposing top soil in excess of 10,000 sq. feet on the banks of any body of navigable water shall not be per-mitted if it contaminates or renders un-clean or impure the air, land or waters of the state, is deleterious to fish, bird, animal or plant life or habitat, or materially injures the rights of riparian owners. (Wis. Stats. Sections 30.19 and 144.30(a)).</p>	<p><u>Land Based</u></p> <p>2 a. Grading or removing top soil which disturbs 10,000 sq. ft. or more of the banks of the Great Lakes or other navigable coastal water. (Wis. Stats. Sections 30.19 and 144.30(a)).</p> <p>2 l. Platting subdivisions that create five or more lots of 1½ acres or less. (Wis. Stats. Chapter 236).</p> <p>2 m. Using rural shorelines. (Wis. Stats. Sections 59.971, 144.26 and Wis. Admin. Code NR 115).</p>	
<p>2. The increasing eco-nomic and physical development of the coastal area is threatening to alter or destroy areas of historic, cultural, and archeological significance; still other areas face continued decay as a result of neglect.</p>	<p>4.4 The State Historical Society shall engage in a comprehensive program of historic preservation for the education, inspiration and enrichment of citizens. This program shall include preparation of a state historical plan, provision of technical assistance to local governments, and conduct a survey to identify and document historic properties. (Wis. Stats. Section 44.22).</p>	<p><u>Land Based</u></p> <p>2 f. Developing state owned facilities. (Wis. Stats. Section 13.48, 20.710, 20.924 and Chapter 18).</p>	<p>1) Areas of significant natural, scientific, or historical value.</p> <p>5) Areas for preservation are those natural, scientific, historic, and cultural areas whose unique values warrant preservation.</p> <p>6) Areas for restoration are those areas that should be restored to an earlier or improved condition.</p>

ISSUE 4: COMMUNITY DEVELOPMENT (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	<p>4.5 The state long-range public building program shall recognize the importance of historic properties and may include a program of preservation and restoration of those historic properties under state control. (Wis. Stats. Section 44.22).</p> <p>4.6 The State Historical Society shall review and comment upon the actions of any state agency that may have an adverse effect upon historic properties, and shall seek the amelioration of any adverse effects. (Wis. Stats. Sections 1.11 and 44.22).</p>		
<p>3. In some communities waterfronts suffer from safety hazards and blight due to obsolescent structures or waterfront deterioration.</p>	<p>4.7 State aesthetic resources shall be protected and enhanced through the regulation of billboards, the screening of junkyards, the purchase of scenic easements, the development of parkways, and the establishment and operation of a Rustic Roads program. (Wis. Stats. Sections 83.42, 84.09, 84.105, 84.30 and 84.31).</p>	<p>2 q. <u>Land Based</u> Using outdoor advertising. (Wis. Stats. Sections 86.19, 86.191 and 84.30).</p>	<p>6) Areas for restoration are those areas that should be restored to an earlier or improved condition.</p>
<p>4. The demand for public access to the lakes has outstripped the supply, especially in urban areas. There is a need for expanded and improved recreational facilities and services.</p>	<p>4.8 Public access of at least 60 feet width shall be provided at not less than one-half mile intervals by all subdivisions abutting navigable lakes or streams. Once provided, public access to navigable waters shall not be discontinued without state approval. (Wis. Stats. Sections 80.41 and 236.16(3)).</p> <p>4.9 The state shall establish a state park system and shall give principal emphasis to the acquisition of recreational lands in the heavily populated areas of the state and in places readily accessible to such areas. (Wis. Stats. Sections 23.09, 23.091, 27.01 and Wis. Admin. Code NR 1.04).</p> <p>4.10 Local communities shall be encouraged to provide local recreational and educational opportunities. (Wis. Stats. Section 23.30).</p>	<p>2 1. <u>Land Based</u> Platting subdivisions that create five or more lots of 1½ acres or less. (Wis. Stats. Chapter 236).</p>	<p>1) Areas of significant natural, scientific, or historical value.</p>

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>5. Community development frequently requires shoreland alterations. If not properly carried out, such activities may disturb water quality, disrupt fish and wildlife habitats, obstruct navigation or increase shore erosion rates.</p>	<p>4.3 Grading or exposing top soil in excess of 10,000 sq. feet on the banks of any body of navigable water shall not be permitted if it contaminates or renders unclear or impure the air, land or waters of the state or makes the same injurious to public health or harmful for commercial or recreational use, is deleterious to fish, bird, animal or plant life or habitat, or materially injures the rights of riparian owner. (Wis. Stats. Sections 30.19 and 144.30(a)).</p> <p>4.11 Dredging, filling, placing structures upon, and removing materials from the bed of navigable waters shall not be allowed if it damages the public interest, is deleterious to fish or game habitat, materially obstructs navigation or reduces effective flood flow capacity. (Wis. Stats. Sections 30.12 and 30.20).</p> <p>4.12 Enlarging the course of a navigable water, constructing an artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway or connecting an artificial waterway with an existing body of navigable water shall not be allowed if it damages the public's interest in the waters, is deleterious to fish or game habitat, materially obstructs navigation, or reduces effective flood flow capacity. (Wis. Stats. Section 30.19).</p>	<p><u>Water Based</u></p> <p>1 a. Removing materials from lake beds. (Wis. Stats. Sections 30.20(2)(a) and (c)).</p> <p>1 b. Mining of metallic minerals. (Wis. Stats. Sections 144.80 to .94, 24.39 and Wis. Admin. Code NR 130 and 131).</p> <p>1 c. Enlarging the course of a Great Lake or other navigable coastal water. (Wis. Stats. Section 30.19).</p> <p>1 d. Constructing an artificial waterway within 500 feet of a Great Lake or other navigable coastal water. (Wis. Stats. Section 30.19(1)(a)).</p> <p>1 e. Connecting an artificial waterway to a Great Lake or other navigable coastal water. (Wis. Stats. Section 30.19(1)(b)).</p> <p>1 f. Depositing any materials in the Great Lakes or other navigable coastal water. (Wis. Stats. Sections 30.12 and 30.11(2)).</p> <p>1 g. Placing any structures upon the bed of the Great Lakes or other navigable coastal water. (Wis. Stats. Sections 30.12(1) and (2)).</p> <p><u>Land Based</u></p> <p>2 a. Grading or removing top soil which disturbs 10,000 sq. feet or more of the banks of the Great Lakes or other navigable coastal water. (Wis. Stats. Sections 30.19 and 144.30(9)).</p>	<p>2) Areas especially suited for water related economic development.</p>

ISSUE 4: COMMUNITY DEVELOPMENT (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	<p>PROGRAM ACTIVITIES</p> <p>4.13 The program will support public awareness and involvement in resolving local community coastal problems, with emphasis on the special needs of, or barriers to, low-income, elderly, handicapped, and minority groups in coastal plans and proposals.</p> <p>4.14 The program will support local governmental efforts to identify and designate areas of significant natural, recreational, scientific, cultural, or historic value and develop specific management, preservation or restoration policies for each area, with emphasis on recreation access and blight. This effort will be coordinated with the program referenced in policy 4.4.</p> <p>4.15 The program will provide financial assistance to local governments to implement the specific management policies of designated areas.</p> <p>4.16 The program will provide financial and technical assistance to local governments to improve their coastal management capabilities, with emphasis on staff training, ordinance revision, data collection and analysis, and county shoreland zoning.</p>		

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>5. Economic Development</p>	<p>General Policies:</p> <p>5.0 The state's policy on economic development shall be to stimulate desirable economic development that broadens the coastal area economy and to encourage the designation and reservation of areas of significance to activities requiring a coastal location by:</p> <ul style="list-style-type: none"> a. Providing special planning, management and promotional attention to Great Lakes port and transportation issues; b. Coordinating, stimulating and promoting the orderly and environmentally sound provision of business and tourism facilities; and c. Managing the planning for and siting of electrical generating and transmission facilities so as to ensure protection of water quality, public and riparian rights and orderly land use. 		
<p>Specific Issues:</p> <p>1. There is a concern in many coastal communities for balanced and increased economic development, which is not solely dependent on resources and recreation-tourism and is compatible with the local environment, the labor force, local economic needs, and existing facilities.</p>	<p>Specific Policies:</p> <p>5.1 The state shall promote business and industrial development so as to broaden and strengthen the state's economy. (Wis. Stats. Sections 560.03 and 560.23).</p> <p>5.2 The state shall locate and maintain information on prime industrial sites. (Wis. Stats. Section 560.23).</p> <p>5.4 The state shall promote travel to Wisconsin's scenic, historic, natural, agricultural, educational, and recreational attractions. (Wis. Stats. Section 560.23).</p> <p>5.5 The orderly and ecologically sound development of commercial tourist facilities shall be coordinated and stimulated by the state. (Wis. Stats. Section 560.23(1)(f)).</p>		<ul style="list-style-type: none"> 1) Areas of significant natural, recreational, scientific, or historical value. 2) Areas especially suited for water related economic development.

ISSUE 5: ECONOMIC DEVELOPMENT (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	<p>5.12 The state shall prepare and maintain contingency plans for responding to critical energy shortages so that when the shortages occur, they can be dealt with quickly and effectively. (Wis. Stats. Section 16.95).</p>		
<p>2. Competition for shore property can exclude those uses that can only be sited at the water's edge. The relatively few areas which meet the special needs of harbors need to be set aside for these uses. While few shoreland uses are exclusive, many are incompatible with surrounding uses and with the capability of the land, air, and water to support them. Adequate consideration must be given to the impact of losing unique agricultural, mining, and forestry lands and conversion of areas especially suited to other uses.</p>	<p>5.2 The state shall locate and maintain information on prime industrial sites. (Wis. Stats. Section 560.23).</p> <p>5.6 The state shall protect forests from destruction and premature cutting through planned development and sound forestry practice, giving full recognition to the concept of multiple use to assure maximum public benefits. (Wis. Stats. Section 28.04, 28.11 and 77.01).</p> <p>5.7 The state shall provide tax relief to those agricultural areas subject to approved local exclusive agricultural zoning or subject to farmland preservation contracts. (Wis. Stats. Section 71.09(11) and Chapter 91).</p> <p>5.11 Once a state permit for construction of electrical generating or transmission facilities has been issued, local ordinances shall not preclude or inhibit the installation or utilization of the facility. (Wis. Stats. Section 196.491).</p>	<p><u>Land Based</u></p> <p>2 c. Siting of electrical generating and high voltage transmission facilities. (Wis. Stats. Section 196.491).</p>	<p>2) Areas especially suited for water related economic development.</p> <p>3) Areas approved as power plant sites.</p>

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>3. A number of the state's ports and harbors have been declining or stagnating. Since they are important to the economic well-being of Wisconsin, they should be maintained, modernized and promoted.</p>	<p>5.3 The state shall promote a balanced transportation system that includes highway, rail, water travel and other facilities adequate to meet public needs. (Wis. Stats. Sections 85.02, 194.02, 195.199, and Chapter 196).</p> <p>5.8 The state will formulate and coordinate a program of port planning, promotion, and development. (Wis. Stats. Sections 560.03 and 560.04).</p> <p>5.9 Buoys and beacons necessary for free navigation shall not be unlawfully disturbed or interfered with. (Wis. Stats. Sections 30.15 and 30.17).</p>	<p><u>Land Based</u></p> <p>2 h. Laying out, altering, or discontinuing highways.</p> <p>2 i. Disturbing bridges. (Wis. Stats. Section 86.07 and Wis. Admin. Code NR 320).</p> <p>2 j. Abandoning any rail line or service. (Wis. Stats. Section 195.199).</p> <p>2 k. Constructing or establishing a new airport. (Wis. Stats. Section 114.134).</p>	<p>2) Areas especially suited for water related economic development.</p>
<p>4. The potential discontinuation of cross-lake ferry service would increase shipping rates and reduce tourism.</p>	<p>5.3 The state shall promote a balanced transportation system that includes highway, rail, water travel and other facilities adequate to meet public needs. (Wis. Stats. Sections 85.02, 194.02 195.199, and Chapter 196).</p>		
<p>5. The shoreline is attractive for power plant sites. The local economic impact of power plant location can be significant.</p>	<p>5.10 The state shall require advance planning for and shall regulate the siting of electrical generating and transmission facilities. (Wis. Stats. Sections 30.025 and 196.491 and Wis. Admin. Code PSC 111).</p> <p>5.11 Once a state permit for construction of electrical generating or transmission facilities has been issued, local ordinances shall not preclude or inhibit the installation or utilization of the facility. (Wis. Stats. Section 196.491).</p> <p>5.12 The state shall prepare and maintain contingency plans for responding to critical energy shortages so that when the shortages occur, they can be dealt with quickly and effectively. (Wis. Stats Section 16.95).</p>	<p><u>Land Based</u></p> <p>2 c. Siting of electrical generating and high voltage transmission facilities. (Wis. Stats. Section 196.491).</p>	<p>4) Areas approved as power plant sites.</p>

ISSUE 5: ECONOMIC DEVELOPMENT (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	<p>PROGRAM ACTIVITIES</p> <p>5.13 The program will support research and public education about the economic base of coastal areas.</p> <p>5.14 The program will seek to improve the coordination of policies which affect the economies of coastal areas.</p> <p>5.15 The program will seek to improve the implementation and enforcement of existing state regulatory and management programs which influence the economic well-being of citizens along the Great Lakes.</p> <p>5.16 The program will provide financial assistance to state and local agencies to implement the specific management policies of designated economic areas and improve the implementation of existing programs to broaden the economic base of communities with desirable diversifications of industry and to effectively manage coastal land and water resources which influence community development.</p> <p>5.17 The program will support local government efforts that consider in their coastal plans and programs the concept that waterfront locations be kept available for activities which need such locations and that unnecessary development not consume coastal resources particularly suited to other uses.</p> <p>5.18 The program will support local government efforts to locate new coastal development adjacent to existing areas which can provide adequate public services.</p> <p>5.19 The program will advocate the role of the Great Lakes ports both within the state and at the national level.</p> <p>5.20 The program will support state and local government efforts to (1) identify and designate areas especially suited for water-related economic development and power plant sites approved through the power plant siting process of the Public Service Commission and (2) develop specific management policies for each.</p>		

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>6. Government Interrelationships</p>	<p>General Policies:</p> <p>6.0 The state policy on government inter-relationships shall be to ensure inter-governmental communication, cooperation and coordination on all aspects of coastal management through:</p> <ul style="list-style-type: none"> a. Creating and operating an interagency, intergovernmental Coastal Management Council with representation from all directly affected agencies and levels of government and citizens within the state; b. Creating and maintaining technical/citizen committees to ensure coordination of specific projects and programs; c. Maintaining a workable system of inter-agency reviews and comments on coastal program activities; and d. Requiring state and federal agencies to consult with and obtain the comments of other agencies with respect to any significant environmental impact involved in their major actions. 		
<p>Specific Issues:</p> <p>1. There are many programs and laws, spread among many agencies and levels of government, that apply to the coastal area. There is a strong need for improved coordination and communication on specific programs and projects, especially at the policy level.</p>	<p>Specific Policies:</p> <p>6.1 A Wisconsin Coastal Management Council will be created with representation from state agencies, local governments, tribal governments, the University System and the public to oversee program operations and activities. (Chapter II, Organization for Program Implementation).</p> <p>6.2 The state shall evaluate the plans of all state agencies, identify both duplication and program gaps in the plans and measure the agency plans with the state goals enacted by the Governor and the legislature. (Wis. Stats. Section 16.95).</p>		

ISSUE 6: GOVERNMENTAL INTERRELATIONSHIPS (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	<p>6.3 Structural reorganization of state government shall be a continuing process, with the goals of assuring responsiveness to popular control, improved public understanding of government, and efficient and effective administration of state policies, including improved management and coordination of state services and elimination of overlapping activities. (Wis. Stats. Section 15.001 and 16.001).</p> <p>6.4 All state agencies shall prepare detailed statements on the environmental and economic impacts of all major actions significantly affecting the quality of the human environment. Prior to making such statements the agency shall consult with any other agency that has jurisdiction or special expertise with respect to any environmental impact involved. (Wis. Stats. Section 1.11).</p>		
<p>2. There is a strong concern about the paperwork and time-consuming procedures that accompany many government programs. A need has been suggested for streamlined procedures and a clearinghouse for information on regulatory programs.</p>	<p>6.5 All agencies shall study, develop and describe appropriate alternatives to their actions referenced in policy 6.4 that involve unresolved conflicts concerning alternative uses of available resources. (Wis. Stats. Section 1.11). See 6.11 of program activities.</p>		

ISSUE 6: GOVERNMENTAL INTERRELATIONSHIPS (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>3. Given Wisconsin's 'home-rule status' citizens and local governments are concerned in maintaining a degree of local control in governmental decision-making. Even citizens who favor a strong state coastal management program are concerned that actual implementation takes place as close to the local level as possible.</p>	<p>6.6 The state shall foster closer cooperation and coordination between state and local government and encourage a pattern of state-local relationships that facilitates effective development and utilization of state and local resources in meeting citizen needs. (Wis. Stats. Section 22.03).</p> <p>6.7 State agencies and localities shall mutually cooperate to enhance the quality, management and protection of the state's air, land, and water resources. (Wis. Stats. Section 144.31).</p>		
<p>4. The Great Lakes remain an under-represented "national coast" at the federal level, added as an afterthought in the final stages of passage of the 1972 federal Coastal Zone Management Act.</p>	<p>See 6.12 of the program activities.</p>		
	<p>PROGRAM ACTIVITIES</p> <p>6.8 The program will use existing review processes (A-95, NEPA, and WEPA) to ensure coordination of federal, state, and local policies and programs.</p> <p>6.9 The program will support tribal governments in their efforts in coastal management.</p> <p>6.10 The program will improve coordination with adjacent Great Lakes states and federal agencies with continuing programs affecting Lakes Michigan and Superior.</p>		

ISSUE 6: GOVERNMENTAL INTERRELATIONSHIPS (CONT.)

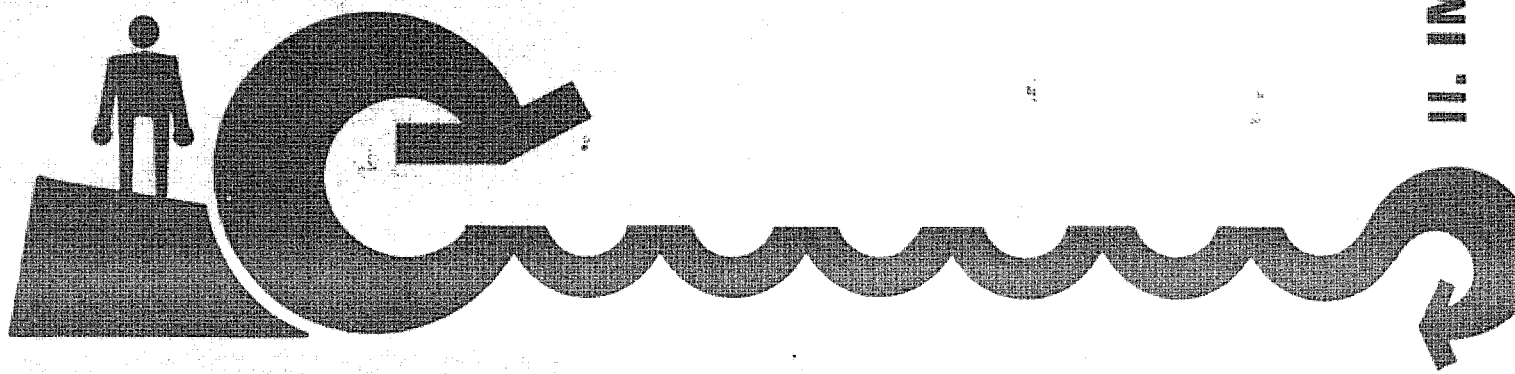
ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	<p>6.11 The program will improve information flow and coordination of policies related to key coastal areas and uses and with emphasis on streamlining procedures and eliminating duplication or conflicting efforts.</p> <p>6.12 The program will perform advocacy functions in seeking increased policy recognition of the Great Lakes in policy by all levels of government, with emphasis on the federal level.</p>		

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
<p>7. Public Involvement</p>	<p>General Policies: 7.0 The state's policy on public involvement shall be to provide citizens with full opportunities for early and continuous involvement in coastal management through effective communication and participation.</p>		
<p>Specific Issues: 1. There is a need for increased public awareness and understanding of coastal issues. There is also a need for provision of adequate information on the scope of coastal issues and options for addressing those issues.</p>	<p>Specific Policies: 7.1 The public shall be entitled to the fullest and most complete information regarding the affairs of government, compatible with the conduct of government business. To this end, all meetings of all state and local governments shall be preceded by public notice, shall be open to the public, and shall be held in places reasonably accessible to members of the public. (Wis. Stats. Sections 19.81 and 19.83). 7.2 Any person may, with proper care, examine and copy any official property and records. (Wis. Stats. Section 19.21). 7.3 The state shall establish a citizens environmental council to educate and advise the general public for the purpose of facilitating effective public awareness on environmental activities. (Wis. Stats. Section 144.76).</p>		
<p>2. There is a need for increasing and improving the opportunities of citizens and public interest groups to effectively participate in governmental decision-making on coastal issues.</p>	<p>7.4 The Department of Natural Resources shall, upon the verified complaint of six or more citizens, hold a public hearing relating to any alleged or potential environmental pollution. The alleged or potential pollution shall be served with notice of the hearing and the department shall, within 90 days after the hearing, issue findings of fact, conclusions of law and order. (Wis. Stats. Section 144.537). 7.5 The state shall establish and provide for a "public intervenor" in the Department of Justice with responsibility and authority to intervene in proceedings where necessary to protect public rights in waters or other natural resources. (Wis. Stats. Section 165.07 and Part IV, Appendix H of this proposal).</p>		

ISSUE 7: PUBLIC INVOLVEMENT (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	<p>PROGRAM ACTIVITIES</p> <p>7.6 The program shall support public education and awareness of coastal issues and broadly disseminate program materials.</p> <p>7.7 The program shall create a broad State Citizens Advisory Committee, with independent staffing, to monitor program implementation and to develop, recommend and sponsor public information, education, and participation programs. (See Section II. C. Organization).</p> <p>7.8 The program shall create regional coastal task forces to facilitate full participation in the program on a continuing basis by interested local parties. (See Section II. C. Organization).</p> <p>7.9 The program shall provide appropriate forums to involve and educate citizens on projects and programs which have a significant or controversial impact on coastal resources; subject those projects and programs to public scrutiny and discussion; and make recommendations concerning such projects and programs to appropriate governmental agencies.</p> <p>7.10 The program will encourage program participants to hold public informational meetings and involve citizens and technical members in issue study, problem identification, proposal development and decision-making.</p>		





II. IMPLEMENTING A COASTAL MANAGEMENT PROGRAM IN WISCONSIN

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A. OVERVIEW

1. Underlying concerns and assumptions

This program proposal is based on the premises that Wisconsin's coastal resource is valuable and worth saving for future generations; that there is a strong public concern about the wise use of this delicate and increasingly threatened resource; and that existing management of the Wisconsin coastal resource can and should be improved.

There are coastal areas that, because of their unique or vulnerable nature, need special management attention. Likewise, there are certain uses of coastal lands and waters that, because of the significant impact these uses have on the coastal environment, need special management attention. The state should assure that these key areas and uses are properly managed.

In designing a management program to meet these concerns, it must be recognized that both state and local governments play important roles in determining the future of the coastal area. State government has a number of basic responsibilities, such as stewardship of the public's interests in the waters of the state. Local governments also have important responsibilities for the detailed management of their coastal areas. This suggests the need for a strengthened state-local partnership for coastal management. The state, through a coastal management program, can improve its ability to address state-level interests in the management of key geographic areas and key land and water uses. Through a strong program of technical and financial assistance, the ability of local governments to address local coastal concerns can also be enhanced.

Another basic assumption used in program design is that strong public participation is essential to effective coastal management. A program designed without fully considering citizen concerns is quite unlikely to be successful. Furthermore, beyond the question of program success, this proposal is based on the belief that the public has a right to participate in the making of governmental decisions that affect their lives.

A final assumption of this program proposal is that the emphasis should be upon making existing management tools work better, not upon creating a new set of rules, regulations, and bureaucracies. Until government does an adequate job of meeting its existing responsibilities, it should not seek new ones. The pressing needs now are for improved coordination, better enforcement, and a strong advocacy of the wise and balanced use of the coastal environment.

2. Focus state attention on key coastal areas and uses

In designing a coastal management program proposal, the Coastal Coordinating and Advisory Council determined that state government should focus its attention on the management of key coastal areas and uses.

Areas of significant natural, recreational, scientific or historical value, areas especially suited for water related economic development, areas that are hazardous for development, and approved power plant sites should be carefully managed. To assist this management, key areas will be specifically designated as being of management concern to the state, either for general management or as suitable for preservation or restoration.

State-level management concern should also be focused on those land and water uses that have a "direct and significant" impact upon the coastal environment. The purpose of identifying these key uses is to ensure that those activities which have the greatest influence on the future condition of Wisconsin coasts are thoughtfully located and managed.

To further assist in focusing the program, the coastal management program area will be limited to the state's water areas of Lake Michigan, Lake Superior, Green Bay and the land area of the fifteen adjacent counties.

3. A new Wisconsin Coastal Management Council

A new Coastal Management Council will be established to direct this program.

This new Coastal Management Council will not take over existing agency programs, will issue no permits, and will own no land. It will provide coordination, assistance to state agencies to improve their implementing responsibilities, and assistance to localities to help improve their local management capabilities. Perhaps most importantly it will also provide a strong voice that considers the coastal resource in its entirety and advocates its wise and balanced use.

The membership of this new Coastal Management Council will contain state government, local government, and publicly oriented members. In addition, to promote full cooperation and coordination, representatives of Wisconsin's two coastal Indian Tribal governments will be invited to participate as full Council members.

4. Roles of existing governmental agencies

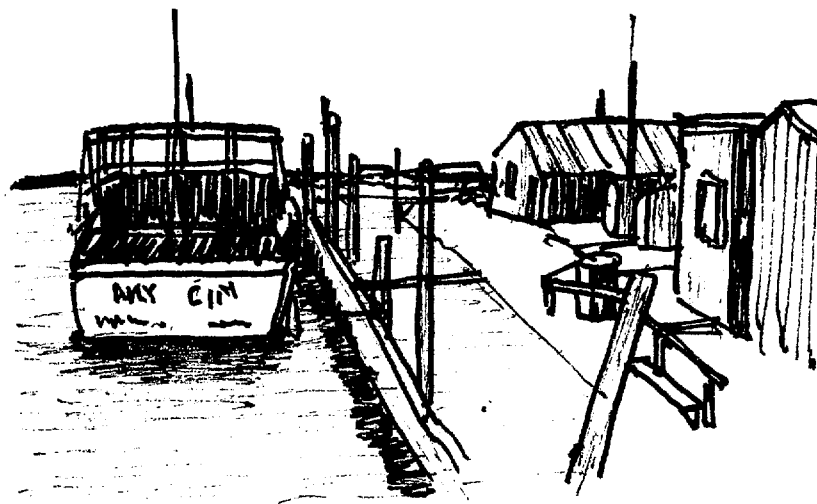
Under this program proposal, existing state agencies will continue to carry out their individual coastal management responsibilities. However, in so doing, they will be directed to act in a consistent and coordinated fashion.

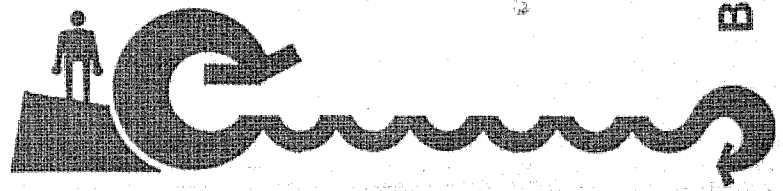
Local governments will continue their role of local coastal planning and management. There will be no state take-over of local concerns. The program will make technical and financial assistance available to those communities desiring such assistance.

5. Public involvement in a management program

Strong public participation must be an essential element of the coastal management program proposal.

To facilitate this involvement, a state Citizens Advisory Committee with independent staffing will be established to monitor initial program implementation and develop public education and public participation programs. In addition, regional coastal task forces will be established to facilitate full participation in the program on an on-going basis by interested local parties.





B. MANAGING KEY COASTAL RESOURCES AND DEVELOPMENT ACTIVITIES

B. MANAGING COASTAL RESOURCES AND DEVELOPMENT

1. Geographic Areas of Management Concern

a. Overview

As noted above, a primary emphasis for a coastal management program in Wisconsin will be to focus new attention on certain key geographic areas. Because of their unique, scarce, fragile, or vulnerable character, the program will single them out for special attention.

A broad public nomination process will be established to identify potential geographic areas of management concern. Thereafter the coastal management program will work with the state agencies and localities who will be managing the areas to specifically define the geographic bounds of the areas and lay out definite management policies for them. After designation the coastal management program will provide technical and financial assistance to the managing bodies to aid their implementation of the set management policies.

b. Standards for areas of management concern

As noted above, this program proposal envisions formal designation of areas of management concern. In determining what types of areas should be eligible, the Coordinating and Advisory Council conducted a number of inventories (see Bibliography) and fully considered the criteria set forth in 15 C.F.R. 920.13. This particular section addresses the questions of: (1) what types of areas may be designated; (2) where these areas can be located; (3) what type of management policies must be devised for the areas; and, (4) what the duration of designation is.

Types of areas

There are six basic categories of areas proposed:

- (1) Areas of significant natural, recreational, scientific, or historic value. Examples include state and local parks, forests, scientific and natural areas, and properties listed in or eligible for the National Register of Historic Places (see Appendix H, II.A.).

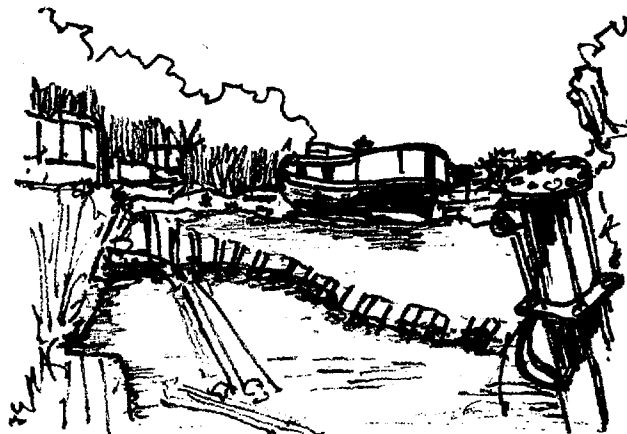
In natural and scientific areas, uses of the highest priority will be non-structural, non-intensive uses that are water dependent. Uses of the lowest priority would include those non-water dependent, non-water enhanced activities which would result in an irretrievable commitment of coastal resources. In recreational and historic areas, use of the highest priority will be those water dependent uses consistent with those values. Specific allowable uses within the GAMCs under this category would be governed by the statutes and administrative codes applicable to state and local parks, forests, etc.. In state recreation areas use zones may be established to regulate the type and intensity of activities within each zone.

- (2) Areas especially suited for water related economic development. Examples include marina, port, water-intake and shipbuilding facilities.

Uses of the highest priority shall be water dependent economic activities. The lowest priority will be placed on those activities that are non-water related and result in irretrievable commitments of coastal resources.

- (3) Hazard areas, which are those areas prone to severe erosion and/or flooding that may impose danger to public use or immediate or future substantial public costs.

The highest use priority in these areas would be assigned to those activities that do not impose immediate or future substantial costs due to geologic, soil, or flood conditions. Any development should be so constructed as to avoid creating new hazards or increasing existing hazards. Uses of the lowest priority includes those activities that are non-water dependent or non-water enhanced, create new or increase existing hazards and result in irretrievable losses of coastal resources.



- (4) Specific areas within the Coastal Management Program area identified as future power plant sites in Advance Plans approved by the Public Service Commission pursuant to the Wisconsin Power Plant Siting Act. Nomination of such future power plant sites as GAMCs would be automatic upon approval of an Advance Plan specifically identifying and analyzing such sites pursuant to Stat. 196.491(2) and PSC 111.24.

Uses receiving the highest priority would be bulk electric generating facilities. Once GAMC has been approved as a power plant site all other incompatible uses would be precluded from locating on that site.

- (5) Those natural, scientific, historic, and cultural areas whose unique value warrants preservation, would be termed Areas for Preservation. The criteria of the Scientific Areas Preservation Council could be used as a guide for some areas, and areas of historic or cultural value should be assessed against the National Register "Criteria for Evaluation". In Areas for Preservation, protection of the integrity of those elements that make the area significant would be paramount. Although preservation strategies will be developed on a case by case basis, in many cases protection will require purchase of these areas by the state and local government. The program is sensitive to the potential adverse impacts on local tax bases and revenue raising capabilities that might be created by public acquisitions of land. These impacts will be further studied and, where appropriate, measures considered to compensate localities.

In these natural and scientific areas, uses of the highest priority will be non-structural, non-intensive uses that are water dependent and maintain natural functions. Uses of the lowest priority would include those non-water dependent, non-water enhanced activities which would result in an irretrievable commitment of coastal resources. In historic and cultural areas, uses of the highest priority shall be those uses that preserve historic/cultural values.

- (6) Those areas that should be restored to an earlier or improved condition (such as a blighted waterfront). These areas would be Areas for Restoration and would receive special program attention.

Uses of the highest priority are those uses that are water dependent. Uses of the lowest priority would include those non-water dependent, non-water enhanced activities which would result in an irretrievable commitment of coastal resources.

As is discussed in more detail in the next section, once an area is designated, program funds would be available to assist in proper management of that area. The specific management of the area will continue to be undertaken by the existing responsible agencies (for example, DNR will continue to own and manage state parks in the coastal area even after they are designated).



Location of areas

Designated areas of management concern must have a direct relationship to the Great Lakes. This relationship can be of a physical, social, or economic nature. However, before the designation can be made, the applicant must demonstrate to the Coastal Management Council that this required direct relationship exists.

As a general rule, proposed areas should be within coastal townships or within six miles of the Great Lakes shoreline. Preference will be given to those areas located on the immediate shore. In all cases designated areas must be located within the coastal management program area -- the state's water area of Lake Michigan, Lake Superior and Green Bay and the land area of the fifteen counties adjacent to these waters.

Management policies for the areas

Nominations for designation must contain clear statements on the proposed management policy for the area. For example, if a water-front park is being nominated as a recreational area of management concern by the DNR or a local government, the formal nomination should spell out the specific way that park will be managed.*

These proposed management policies must be consistent with the coastal program's adopted goals and policies. To aid the Coastal Management Council's review on this point, nominations should show how designation would further the program objectives set out in section I-C of this proposal.

Finally, nominations should show that the proposed managing body for that area has the ability to adequately manage the area (to implement the proposed management policies) and will make a commitment to do so.

Duration of the designation

Nominations for areas of management concern should propose a set duration of the designation ranging from one to three years. This will allow both the managing body and the Coastal Management Council to periodically review each area's designation, management policies, and implementation activities. Following such a review the designation can be dropped or the area can be nominated for redesignation.

c. Implications of designation

The implications of designating an area as an "area of management concern" need to be made clear at the outset. What must a state agency or local government agree to do in a management sense after designation? What can the coastal program provide in the way of management assistance for these areas? While detailed answers to these questions, particularly the latter one, are set out in other sections of this proposal,** it is useful to summarize the answers in this section.

What the managing body must do

In order to have an area designated, the managing body, be it a state agency or local government, must do four things: (1) define the geographic bounds of the area;

*See Appendix H for examples of general management policies.

**See sections I-C, I-D, and II-C2 of this proposal.

2) define a clear management policy for the area that is consistent with adopted coastal program goals; (3) show that it has the ability or authority to carry out those management policies; and (4) agree to carry out the stated policies.

What the coastal management program can do

The purpose of designating these areas is to improve their management. A principal mechanism for doing this will be a new grant program administered by the Coastal Management Council. This Council, upon application from the managing agency, will make grants to the managing bodies to further their implementation of approved management policies of the designated areas. That is, once the managing body does the four things outlined in the previous paragraph, coastal program financial and technical assistance would be made available to assist that managing body in the management of the designated area.

Example

For example, Community A could nominate a specific lake-front park it owns or manages as an "area of management concern," with a specific management policy of increased public usage and lake access. Community A proposes to achieve this through improved law enforcement, park maintenance, surveying user desires and redesigning the park facilities to meet these desires. Community A agrees that if designation is made and coastal program funds are received, it will carry out these activities. This would satisfy the four requirements set out above for the managing body.

So, if this park were designated, the proposed activities would be eligible for program funding. Community A could then hire a park patrolman (keeping in mind the duration of federal funding currently authorized), procure the necessary equipment needed by the patrolman, add a part-time person to clean up the park on weekends, hire a consultant to conduct a survey of the desires of park users, redesign park facilities based on the user survey and conduct a cost analysis of upgrading the park to better meet these desires. The new facilities themselves could not be built with Program funds. However, the survey, design and cost estimate may place Community A in a better position to seek other funds or to fund the project locally.

The example is only illustrative. The community could as well nominate an area for increased economic development or for preservation or restoration.

d. Process for designation

1. Initial Areas

The process for designating initial "areas of management concern" will be undertaken in the July 1977-January 1978 period and will be as follows:

- (a) There will be an active program to solicit nominations for "areas of management concern." The first step in this process will be the production and dissemination of information. This includes carefully defined and explained criteria for eligibility, the benefits and obligations flowing from designation, and a standard nomination form. Those making nominations are asked to identify the potential area and propose an appropriate management program for that area. The "preliminary" nomination form also asks how the proposed area is directly related to the Great Lakes. Personal contact and assistance are made available where requested to assist in making the nominations. The distribution of nomination forms began in July, 1977.
- (b) Public nomination of potential areas and proposed management policies then follows. Nominations can be made by state agencies, local governments, interest groups, and private citizens. The initial nomination is a "preliminary" one on a short, easy to use form. After an initial screening for eligibility, a more detailed formal nomination would be prepared for those areas meeting the basic guidelines. The formal nomination will have to be made by the body that will actually manage the area and would include information on the four points discussed in the previous Section (II-B1c). This more detailed nomination will include a brief assessment of the environmental and economic impact of designation. Program staff will assist in preparing the formal nominations where requested. The deadline for "preliminary" nomination will be October 1, 1977. A list of potentially eligible areas, for which formal nominations may be made, is printed in Appendix H. Formal nomination must be made by November 11, 1977.
- (c) A Coastal Management Council committee then reviews the nominations. The review will be in terms of (1) whether the proposed area meets criteria for designation, and (2) whether an adequate and appropriate management policy has been or can be designed for that area. Any designation would have to be in the public interest.

- (d) This committee will make preliminary decisions on the nominations. These decisions will be submitted for review by the State Citizens Advisory Committee, the regional citizens and technical advisory committees, the appropriate regional clearinghouse, state agencies, local governments, federal contacts, and citizens and interest groups. The committee will hold public meetings on their recommendations in the affected areas, with meeting conduct and procedures to be formally established by the Coastal Management Council.

The regional clearinghouses will coordinate local government responses. If no localities object within the 30 day review process, the clearinghouse so notifies the Coastal Management Council. If a locality disagrees, the clearinghouse will notify the Coastal Management Council and set up a negotiation process among the parties. At the end of a three month period the nomination would be forwarded to the Council Committee as modified during the negotiation process; if no compromise is reached, the nomination may be withdrawn by the managing agency or forwarded to the Council committee with the negative comments attached.

- (e) Following this review procedure, this committee will make its recommendations to the full Coastal Management Council on the establishment of the designated areas and their management policies. A summary of all comments received will be attached for each proposal, as will an environmental and economic impact assessment. This committee decision will be made in January 1978.
- (f) Then the Coastal Management Council will review the recommendation of its committee and take action on the designation proposals. This action is scheduled for January 1978.

As was noted earlier, it should be emphasized that the Coastal Management Council designates the areas and approves a management policy for them. Actual management of the areas is undertaken by existing managing agencies (state and local).

- (g) At this point, if it has not been done concurrently with the nomination/designation process, the managing agency and Coastal Management Council will develop a proposed work program for the implementation of the set management policies. It is anticipated, however, that since the initial GAMC designation process is being undertaken concurrently with the preparation of the initial 306 budget, any budget requests (with associated work plans) will be developed concurrently with the formal GAMC nomination.

- (h) Following this, the Coastal Management Council will submit an application to the federal Office of Coastal Zone Management for funds to implement the work programs for the designated areas.

2. Additional Areas

Additional "areas of management concern" will be established on a regular basis, so non-participation by an agency or locality in the initial designation process set out above would in no way jeopardize their ability to nominate areas at a later date.

It is anticipated that the Coastal Management Council would sponsor a nomination process similar to the one set out above on an annual basis.

3. Priority for designations

In the fall of 1976 the Coordinating and Advisory Council sponsored a series of public meetings and distributed a questionnaire to find out what the public thought a Wisconsin Coastal management program should be doing. In order of priority, the citizens responding indicated their concerns were:

- improvement of water quality*
- abatement of damage from shore erosion
- management of natural areas
- public recreation and access (historic, cultural)
- port management
- urban shore uses
- other issues

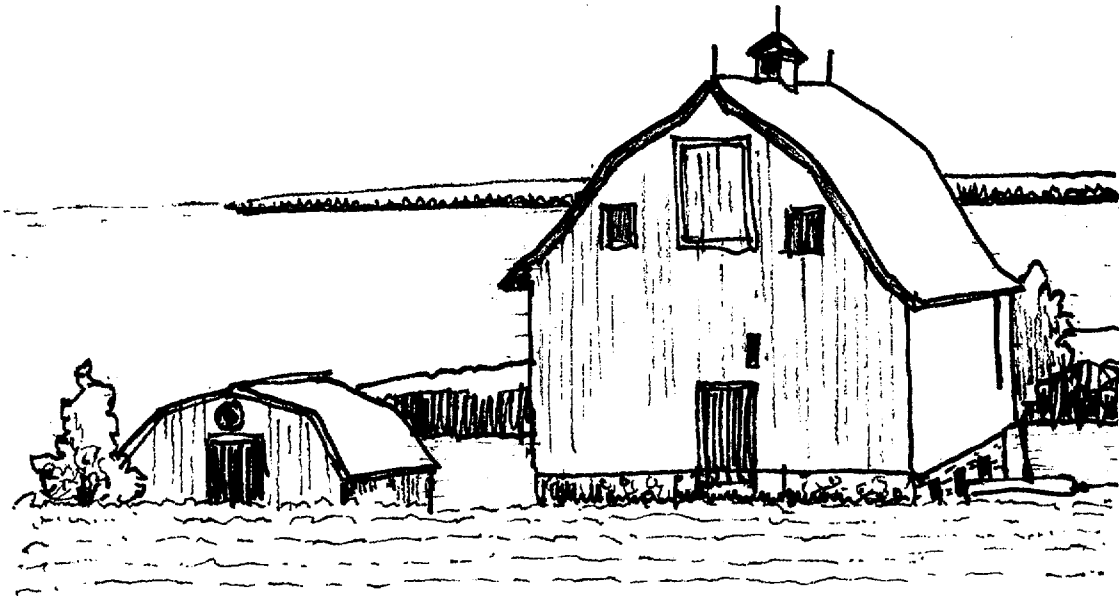
This priority list will be followed by the Coastal Management Council in the designation of "areas of management concern."

In reviewing nominations, the following additional factors will be used in setting priorities for designation:

- ✓ Urgency or immediacy of need
- Geographic distribution of the proposals
- Presence of matching funds
- Ability and willingness of applicant to maintain the area
- Designation as such in local coastal plans
- Transferability of findings of the project

*Water quality was the principal concern; however, due to the major public commitment to water quality, program funds should be used only after all other sources have been exhausted. See Appendix E for more details on the questionnaire.

- Vulnerability of the area to change
- Size of the area
- Cost of the project and availability of complementary funds from other state or federal sources
- Existence of alternative means for preserving/restoring the area



2. Land and water uses of management concern

a. Overview

In addition to the key areas discussed above, state-level management concern would also be focused on those land and water uses that have a "direct and significant" impact upon the coastal environment. The purpose of identifying these key uses is to ensure that those activities which have the greatest influence on the future condition of Wisconsin coasts are thoughtfully located and managed. Therefore, the coastal program terms these uses "managed uses".

The basic concept of management for a potential coastal program in Wisconsin is that existing statutory authorities are adequate to manage these uses. As with areas of management concern, "management" is defined broadly and will be undertaken by the existing responsible agencies. Management will be accomplished through:

- 1) State enforcement of existing state regulatory responsibilities;
- 2) Direct management in areas owned by the state;
- 3) Coordination of existing state, federal and local authorities;
- 4) Local shoreland and floodplain regulation under state guidelines;
- 5) Provision of technical assistance and analysis to localities;
- 6) Provision of financial assistance to localities; and
- 7) Education.

Once a use is determined to have a "direct and significant impact" on the coastal environment, it will come within the purview of the program. This means that program funds will be available to assist in improving the management of that activity. It does not mean that new rules, regulations, or permits would necessarily be created to further manage that use.

It should be emphasized that the attention of the program will focus on proposed new "direct and significant" uses. Existing uses (except where subject to existing continuing regulation) would not be subject to attention of the program unless continuing operation poses a threat to the integrity of the coastal environment or to the public health, safety, or general welfare.

It should further be emphasized that with existing programs no land or water uses are automatically totally excluded from locating in the coastal area. Rather, standards for use acceptability are generally based on the impact the proposed use would have on the coastal environment.

b. Process for identifying "managed uses"

The key for being able to identify "managed uses" is to define what a "direct and significant impact" on the coastal environment is.

Rather than produce an elaborate scientific definition that is both incomprehensible to most Wisconsin citizens and creates a false sense of "scientific" objectivity and precision, the following definition of "direct and significant" impacts is being used.

A use or activity has a "significant" impact when it has any of the following characteristics:

- 1) Alters the quality of or affects the access to a public resource for which the state is trustee (here meant to include navigable waters and state owned lands such as parks); or
- 2) Locates in a designated Geographic Area of Management Concern; or
- 3) There has been an expression of state-level concern for its management by the Legislature.

A use or activity has a "direct" impact when it creates a direct outflow into or otherwise directly affects the waters of the Great Lakes or a designated geographic area of management concern. This includes those activities that discharge into one of the Lakes or that are located on or adjacent to one of the Lakes or areas of management concern. In this respect it should be noted the coastal management program would be coordinated with and supportive of water quality control programs.

The initial work on developing a process for determining managed uses was done by a University of Wisconsin Faculty Task Group. The Task Group, composed of scientists, policy analysts, and legal scholars was established in 1975 to investigate the processes required to determine permissible uses of resources in the coastal area. The Faculty Group's Report recommended that for use in evaluating whether a particular resource use has a "direct and significant impact on coastal waters," the word "direct" implies a causal relationship and the word "significant" refers to environmental impact. The Report also recommended that the definition of "direct and significant" be correlated with the location of the land, relative to the shoreline, on which the use is to take place. The Report went on to recommend a list of priorities of land uses in the coastal area. The report envisioned a management program in which a state-level authority would review all major development projects to be constructed in the coastal area and would apply the use priority list in deciding whether to approve the project.

In January, 1976, the Wisconsin Coastal Coordinating and Advisory Council appointed a Subcommittee for Boundaries, Areas and Uses. One of the subcommittee's tasks was to recommend a process for identifying land and water uses that would be subject to a state Coastal Management program. The group first addressed the problem of defining "direct and significant." Using the Faculty Task Group's recommendations as a starting point, the subcommittee defined an impact as "direct" if it involved an "immediate" causal relationship between an activity and a resource. Criteria for determining the "significance" of impacts were largely based on the State's Guidelines for Implementation of the Wisconsin Environmental Policy Act (Wis. Stats., Section 1.11). Seven factors were used in determining "significance." These criteria included irreversibility of impact, degree of constraint on higher priority uses, incompatibility with existing uses, controversial nature of the use, cumulative impacts, impacts on areas of management concern, and consistency with state coastal policies. These were selected as general factors to aid in determining whether a particular use would have a significant impact. The subcommittee then developed a comprehensive list of land and water uses which could have a potential impact on coastal land or water resources.

The criteria were applied to each use, and the subcommittee determined whether that use would always, sometimes, or never have a significant impact in the coastal area. After dropping those uses deemed never to have a significant impact, the Coordinating and Advisory Council, following public and technical review and discussion, adopted by consensus a list of uses with significant impacts on the coastal environment.

c. Identification of proposed initial "managed uses"

The following list of activities, if they take place within the coastal management area, are uses that are deemed to have "direct and significant" impacts on the coastal environment. Therefore these are the coastal program's "managed uses"--those activities that the state will assure their proper location and operation.

The list of uses is divided into two parts. The first includes activities taking place primarily on or within coastal waters, or on the beds of coastal waters. The second includes activities taking place primarily on the land portion of the coastal management area.

(1) Water based

- a) Removing materials from the bed of a Great Lakes or other navigable coastal water
- b) Mining of metallic minerals

- c) Enlarging the course of a Great Lake or other navigable coastal water
- d) Constructing an artificial waterway within 500 ft. of a Great Lake or other navigable coastal water.
- e) Connecting an artificial waterway to a Great Lake or other navigable coastal water
- f) Depositing any materials in the Great Lakes or other navigable coastal water
- g) Placing any structures upon the bed of the Great Lakes or other navigable coastal water
- h) Discharging of effluents into coastal water
- i) Placing refuse in coastal waters
- j) Obtaining drinking water
- k) Harvesting fish for commerce or sport
- l) Boating in coastal waters

(2) Land Based

- a) Grading or removing top soil which disturbs 10,000 sq. ft. or more of the banks of the Great Lakes or other navigable coastal water
- b) Placing structures in flood prone areas
- c) Siting electrical generating and high voltage transmission facilities
- d) Constructing sewer and water utility facilities
- e) Using private waste treatment and disposal systems (including locating and installing these systems)
- f) Developing state owned facilities
- g) Developing county and municipal facilities funded by non-formula state aids
- h) Laying out, altering, or discontinuing highways
- i) Disturbing bridges
- j) Abandoning any rail line or service
- k) Constructing or establishing a new airport
- l) Platting subdivisions that create five or more lots of 1 1/2 acres or less within a five year period
- m) Using rural shorelands (defined as any unincorporated area within 1000 feet of a navigable lake or within 300 feet of navigable river or stream)
- n) Emitting air pollutants from point sources
- o) Obtaining drinking water
- p) Using pesticides
- q) Using outdoor advertising
- r) Mining of metallic minerals

d. Summary of techniques for managing the uses

All of the activities listed above are controlled by the state, either through regulations or by direct state action. In some instances the regulations take the form of standards, some involve permits or contracts, and others involve state review and approval.

A summary of how each use is managed is set out below, with a more detailed discussion appearing in Appendix H. The general format used in these summaries is to note who manages the activity, what management technique is used, the basic decision-making standard, and the basis for including the activity in the management program.

1. Water based

a. Removing materials from the bed of the Great Lakes or other coastal waters

This activity is regulated by the DNR. If a navigable lake is involved, DNR must issue a contract before the activity commences (a permit is required for streams and non-navigable lakes). The decision-making standard is whether the contract or permit would be consistent with "public rights" or the "public interest," respectively. Removing materials is managed because the activity could potentially damage fish and game habitat and alter the quality of coastal waters.

b. Mining of metallic minerals

This activity is primarily regulated by the DNR. Mine operators must secure prospecting permits and mining permits, submit operator's bonds and certificates of insurance, and secure DNR approval of their environmental impact records and mining and reclamation plans. The DNR has detailed standards for these requirements, based on protecting air, land, water, fish, plant and wildlife resources. The Department of Industry, Labor, and Human Relations is also involved through regulating blasting and mine safety. Mining of metallic minerals is subject to the program because of its potentially harmful environmental effects on fish, aquatic plant life, and the quality of coastal air and water resources.

c. Enlarging the course of a Great Lake or other navigable coastal water

Engaging in this activity requires a permit from the DNR. The permits are issued if the DNR finds the project will not injure public rights or interests, cause environmental pollution, or materially injure riparian rights. Enlarging a navigable waterway is included in the program because of its potential to destroy fish and game habitat, affect navigation, and alter the quality of a resource for which the state is a trustee.

- d. Constructing an artificial waterway within 500 feet of a Great Lake or other navigable coastal water

This activity also requires a DNR permit, with the same decision-making standard as item (c) above. This activity is included in the program for the same reasons as item (c) above.

- e. Connecting an artificial waterway to a Great Lake or other navigable coastal water

This activity also requires a DNR permit, with the same decision-making standard as item (c) above. This activity is subject to the management program for the same reasons as item (c) above.

- f. Depositing any materials in the Great Lakes or other navigable coastal waters

This activity requires a DNR permit unless the material is deposited behind a lawfully established bulkhead line. Permits are issued after DNR inspections and a finding that the activity will not "materially impair navigation or be detrimental to the public interest." There is a limited exception to the state permitting program for solely federal projects. Bulkhead lines are established by municipal ordinance and must be "in the public interest" and be approved by the DNR. Depositing materials in navigable coastal waters is included in the program because of the potential obstruction of navigation, reduction of effective flood flow capacity in streams, harmful effect on fish and game habitat, and pollution of a resource held in trust by the state.

- g. Placing any structures upon the bed of the Great Lakes or other navigable coastal waters

This activity also requires a DNR permit, unless the structure is behind a lawfully established bulkhead line. Permits are granted if the DNR finds the structure "does not materially obstruct navigation or reduce the effective flood flow capacity of a stream and is not detrimental to the public interest." This activity is subject to state-level management because of the possibility for obstruction of navigation, reduction of effective flood flow capacity, and potential impacts on shore erosion.

- h. Discharges of effluents into coastal waters

This activity is regulated by the DNR. Some discharges are totally prohibited and all other pollutant discharges require DNR permits. The DNR has detailed water quality, performance, and effluent standards for these permits. Discharge of effluents is regulated under the state management program because of detrimental effects on fish and

game habitat, effect on the suitability of a public resource for recreational purposes, and alteration of the quality of a resource held in trust by the state.

i. Placing refuse in coastal waters

State law makes it unlawful to place any refuse or solid wastes in the waters of the states. Also, any substance deleterious to fish or aquatic life can only be deposited in accordance with plans approved by the DNR. This activity is subject to the state management program for the same reasons as item (h) above.

j. Obtaining drinking water

This activity is regulated by the DNR and the PSC. DNR permits are required for the construction, installation, or operation of high capacity wells and DNR approvals are required for water plants and systems and extensions thereof. There are detailed standards for these requirements, which are designed to protect the public health and provide an adequate water supply. Water utilities are also subject to the supervision and regulation by the PSC relative to rates and adequacy of service. Obtaining drinking water is included in the state management program because there has been an expression of state-level concern by the Legislature for the management of this resource in the interest of public health.

k. Harvesting fish for commerce or sport

This activity is subject to detailed regulation by the DNR. Licenses are required for sport fishing, use of nets or set lines, and commercial fishing. Commercial fishing may be limited or prohibited in areas where necessary to protect the fishery resource. This activity is included in the program in order to protect the fishery resource while maintaining the economic viability of the activity.

l. Boating in coastal waters

Boats over 12 feet in length must be registered with the DNR. There are also numerous boating safety requirements enforced by the DNR. Boating is regulated by the state to protect public safety, control access to a public resource in a safe manner and to maintain water quality.

2. Land Based

- a. Grading or removing top soil which disturbs 10,000 square feet or more of the banks of the Great Lakes or other navigable coastal water

This activity requires a permit from the DNR. Permits are issued if the project does not injure public rights or interests, cause environmental pollution, or materially injure public rights. Removing top soil or grading is included in the management program because of the potential detrimental impact of this activity on fish and game habitat, access to a public resource, and quality of coastal waters.

- b. Placing structures in flood prone areas

State statutes require localities to adopt flood plain zoning ordinances, meeting state standards, for those parts of their jurisdictions where serious flood damage may occur. If localities do not adopt reasonable and effective ordinances, the DNR is required to adopt an ordinance for the jurisdiction. Also, the availability of federal flood insurance is tied to the existence of adequate local flood plain regulation.

The placement or maintenance of any structure, fill, or development in violation of a flood plain zoning ordinance is declared to be a public nuisance and may be enjoined or abated at suit of any municipality, the state, or any citizen of the state.

Solid waste disposal sites and facilities are prohibited within areas under the jurisdiction of flood plain zoning regulation, unless they are licensed by the DNR.

This activity is subject to the management program because of its potential for reduction of effective flood flow capacity that could cause increased damage to coastal resources during a flood.

- c. Siting electrical generating and high voltage transmission facilities

This activity is primarily regulated by the PSC. Construction cannot be commenced without first obtaining a certificate of public convenience and necessity from the PSC. Such certificates are issued upon a finding that the facility is necessary, its design and location are in the public interest, it will not have undue adverse impacts on environmental values, and it will not interfere with orderly land use and development plans. There is also a mandatory advance planning requirement for this

activity, including requirements for identification of general plant sites ten years in advance of construction and alternative specific sites three years in advance of construction.

There is also a consolidated permitting process whereby related DNR permits can be obtained in a single proceeding.

This activity is included in the management program because of the effects of power plant location on water quality (thermal discharges), public rights in navigable waters, and the effective flood flow capacity of streams on an adequate supply of energy, and on community development patterns.

d. Constructing water and sewer utility facilities

DNR approval must be obtained for this activity and the department has detailed standards on planning, constructing and operating these facilities. These activities are included in the program because of their potential impacts on coastal water quality and on the nature and rate of urban development in the coastal management area, which will have spillover impacts on coastal air and water resources.

e. Using private waste treatment and disposal systems

This activity is primarily regulated by the DHSS. The department has detailed standards on testing for soil suitability, location, construction, and maintenance. Major enforcement activities are handled by local sanitarians. The DNR licenses and regulates persons servicing septic tanks and has the authority, when private systems are inadequate, to order public town systems. These activities are included because of their potential impacts on coastal water quality and their effects on the location of development within the coastal area.

f. Developing state owned facilities

The State Building Commission is generally in charge of the state's building program. The DOA's Bureau of Facilities Management supervises the state building program and building policies and priorities. This activity is included in the management program because of the potential impact of the location of major state facilities on other uses and development patterns in the coastal area.

- g. Developing county and municipal facilities funded by non-formula state aids

When the state makes non-formula grants to localities, conditions may be placed on the grants such as requiring sewer systems to be constructed in a manner to facilitate future interconnections. This activity is included in the program for the same reasons as item 2(d) above.

- h. Laying out, altering, or discontinuing highways

The state DOT has charge of all matters pertaining to expenditure of state and federal highway funds. The DOT prepares the state highway plan. The DNR receives notice of the lay out, alteration, and discontinuance of county and town highways by county boards; further, town or county discontinuance of access by road to a navigable lake or stream is not effective unless approved by the DNR and the access required to be dedicated for shoreline plats may not be vacated without circuit court approval. These activities are included in the management program because of their potential impact on access to public resources (such as navigable waters, beaches, or state-owned parks) and their impact on community development patterns.

- i. Disturbing bridges

This activity requires a permit from the highway authority maintaining the bridge.

Bridges over navigable waters are also subject to regulation by the DNR to prevent obstruction to navigation, protect human life and health, and minimize property damage and economic loss.

Disturbing highway bridges is included in the management program because of the potential impact on navigable coastal waters, including obstruction to navigation, effects on flood control, and community development patterns.

- j. Abandoning any rail line or service

This activity generally requires the approval of the federal Interstate Commerce Commission. The state Public Service Commission plays an active role in these decisions, appearing and testifying before the ICC. The state Department of Transportation may also become involved. This activity is included in the program because of potential significant impacts of rail abandonment or economic development in the coastal management area, with particular reference to the economic well-being of the state's ports and the cross-lake ferries. The potential recreational use of abandoned rail lines is also an important consideration.

k. Constructing or establishing an airport

DOT approval is required for this activity. DOT's certificate of approval may be issued if the proposed airport is compatible with existing and planned transportation facilities. DOT also prepares the state airport plan. This activity is included because of significant impacts on economic development in the coastal management area and potential impacts on coastal natural resources (such as vulnerable habitats) and on community development patterns.

1. Platting subdivisions that create five or more lots of $1\frac{1}{2}$ acres or less within a five year period

These subdivisions must be approved by several state agencies, as well as by localities with subdivision ordinances. The DLAD reviews, and must approve, plats for compliance with surveying, layout (including mandatory public access requirements for plats abutting navigable waters), and engineering requirements. The DOT reviews, and must approve, plats abutting state highways for compliance with safety requirements. The DHSS reviews, and must approve, unsewered plats for compliance with lot size, elevation, and soil percolation requirements. The DNR reviews plats within 500 feet of navigable waters for prevention of pollution to waters. It should be noted that subdivisions creating fewer or smaller lots are frequently subject to local review and approval. This activity is included within the coastal management program because of the potential environmental impact of subdivision construction, increased generation of sewage on coastal waters, the potential increased demand for public access to coastal recreational resources, and a concern for orderly development.

m. Using rural shorelands

Each county is required by state law to regulate the use of shorelands in unincorporated areas. DNR minimum standards require the ordinances to protect human health, aquatic life, and natural beauty and control land uses. If county ordinances are found to be inadequate, the DNR can adopt an ordinance for the county. (Note: All relevant coastal counties have DNR approved shoreland zoning ordinances.) Shoreland use is subject to management control because of potential impacts of various activities in these largely undeveloped areas on coastal water quality, fish spawning areas, fish and aquatic life and the natural beauty of the land and water resources.

n. Emitting air pollutants from point sources

This activity is regulated on the state level by the DNR. Plans for construction of air contaminant sources are submitted to the DNR, which thereafter issues an order approving or prohibiting the project. Discharge of air pollutants is subject to the management program because of the adverse effects on air quality in the coastal area, which can be injurious to plant, animal, and human life and can make the coastal area less desirable for recreational, residential, or commercial use. In addition, air pollution can have an adverse impact on the quality of coastal waters, as air pollutants are transmitted to Great Lakes waters.

o. Obtaining drinking water

See 1(j) above.

p. Using pesticides

The use of pesticides is regulated by the DNR, the Department of Agriculture, and the pesticides review board of the DHSS.

The DNR has a regulatory program for pesticides that pose a serious threat to wild animals. DAG regulates pesticide use practices. The pesticide review board approves the above regulations.

The use and sale of DDT is prohibited except where the pesticide review board finds it is necessary to control a serious epidemic.

Pesticide use is subject to state regulation because of its potential for extremely serious effects on human health and fish and wildlife resources and on the quality of coastal waters.

q. Using outdoor advertising

This activity is regulated at the state level by the state highway commission. In non-business areas, no advertising signs may be erected that are visible from interstate or federal-aid primary highways (excepting limited on-premise advertising). Persons engaging in the outdoor advertising business must be licensed by the highway commission. Outdoor advertising is included in the state management program because of the potential adverse aesthetic impacts on scenic coastal resources.

r. Mining of metallic minerals

See 1(b) above.

e. Activities of regional benefit

(1) Definitions

To secure federal approval of a coastal management program proposal, the program must have a method for assuring that local regulations do not unreasonably or arbitrarily restrict or exclude land and water uses of regional benefit.

A use or activity is of regional benefit when it both:

- is a "direct and significant" coastal use, and
- has a multi-county environmental, economic, social, or cultural impact (exclusive of boundary situations).

Local restriction or exclusion of an activity of regional benefit is "unreasonable" when it is arbitrary or capricious and is of detriment to the region. This implies a situation where the local decision to exclude the activity is made without a rational basis--that is, not based upon legitimate legal factors.

(2) Dealing with unreasonable local exclusions

There are several methods that will be used to deal with unreasonable local exclusion of activities with regional benefit. In some cases the regional and state-wide potential benefit is such that a direct state action* or an override of the local decision is called for. In other cases state standards and local decision-making, with a potential appeal to the state, is more appropriate. In still other cases the most appropriate state role would be participation in local hearings, thereby assuring that a greater-than-local perspective is presented to local decision-makers, but leaving the final decision in local hands. Finally, recourse to the courts may be had to challenge arbitrary or capricious local exclusions*.

* See, for example, the Section of Appendix H dealing with state powers to acquire interests in land and the general discussion of the applicability of local regulations to state actions.

** See the discussion in Appendix H of enforcement of state coastal policies.

When occurring within the coastal management area, the following are deemed to be uses or activities of regional benefit, with the state roles as indicated to assure that unreasonable local exclusion does not take place. They are "direct and significant" coastal uses and have multi-county environmental, economic, social, or cultural impacts. However, this listing is not final or exclusive. Other "managed uses" may be included in the future if their inclusion is warranted as necessary.

a. Power plants and transmission lines.

Under Sec. 196.491(2), Wisconsin Statutes, electric utilities are required to biannually file an advance plan with the Public Service Commission (PSC) which shall include: the general location, size, and type of facilities which are owned or operated by the utility or the construction of which is expected to commence within the next ten years; the identification of practical alternatives; the impacts of the proposed and alternative generating facilities on the environment, etc. Copies of the advance plan shall be filed for review and comment with the Departments of Administration, Business Development, Health and Social Services, Justice, Local Affairs and Development, Natural Resources, and Transportation, the regional planning commission and county and municipal planners and/or clerks having jurisdiction in those areas where the facility is proposed to be located. Public hearing on the advance plan shall be held. With consideration of the comments, the PSC shall prepare a single environmental assessment of the plan. The PSC shall approve the advance plan under the criteria established in Sec. 196.491(2)(i). Any portion of a plan that is not approved by the PSC may be resubmitted by the utility and shall then be reviewed in the same manner as a new advance plan.

Sec. 196.491(3)(a) requires that no person may commence the construction of a facility unless such person has applied for (18 months prior to construction) and received a certificate of public convenience and necessity from the PSC. Copies of the application shall be sent to the clerk of each municipality and town in which the proposed facility is to be located. The applicant must also apply for any permits or approvals required by DNR. The PSC and DNR will then hold public hearings on the application in the affected areas. Under Sec. 196.491(3)(d), the PSC will approve an application for a certificate of public approval if the PSC determines that the proposed facility is: A) in substantial compliance

with the most recent advance plan filed and approved by the Commission, unless it finds that the need for the facilities or lines could not have been reasonably foreseen by the utility at the time of its most recent advance plan; B) necessary to satisfy the reasonable needs of the public; C) in the public interest considering alternatives; D) will not have undue adverse impact on other environmental values; E) complies with the criteria under Sec. 196.49(4) if the application is by a public utility as defined in Sec. 196.01; and F) will not unreasonably interfere with the orderly land use and development plans for the area involved.

Section 30.025(3) requires that DNR shall grant the necessary permits if it finds that the application has shown the proposal: A) complies with environmental standards administered by the department and federal environmental standards; and B) does not unduly affect public rights and interests in navigable waterways; the effective flood flow capacity of a stream; the rights of riparian owners, or water quality.

Finally, Sec. 196.491(3)(i) states that if installation or utilization of a facility for which a certificate of convenience and necessity has been granted is precluded or inhibited by a local ordinance, the installation and utilization of the facility may nevertheless proceed. That is, once the above described process has been completed, development of generating facilities and major transmission lines may not be precluded by local regulation. (For a discussion in greater detail, see managed use 2 c in Appendix H).

b. Use and development of rural shorelands.

Sec. 144.26(1), Wisconsin Statutes, declares the purpose of regulations relating to land abutting or under navigable waters to be "to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses and reserve shore cover and natural beauty." In addition to the above purposes, the purpose of shorelands zoning is to "promote the public health, safety and general welfare" under Sec. 59.971(1).

Counties are required to adopt zoning ordinances applying to all their shorelands in their unincorporated areas. Sec. 59.971(1) defines shorelands as 1,000 feet from the normal highwater elevation of navigable lakes (including the Great Lakes), ponds or flowage, and 300 feet of navigable rivers or

streams or to the landward side of the flood plain, whichever distance is greater. County ordinances must meet Department of Natural Resources' standards and criteria. These standards are now part of the Wisconsin Administrative Code as Chapter NR 115.

NR 115.04(2)(a) states that "compliance with the requirements of Sec. 59.971 will be determined by comparing the county shoreland regulations with the state minimum standards for shoreland protection as contained in NR 115.03." Included in the criteria the DNR employs is an examination of the overall appropriateness of the uses permitted under the county program and their relationship to the need for uses and the capability of the land to support such uses.

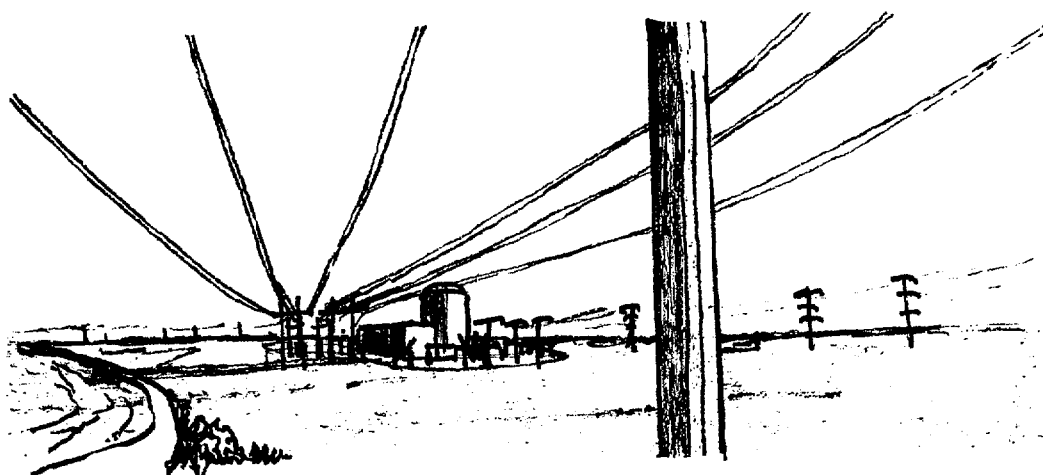
Counties that have enacted regulations that meet the minimum standards are considered to be in compliance with Sec. 59.971. All coastal counties have shoreland programs that have been certified by DNR as meeting state standards.

As part of a continuing review process, NR 115.04(2)(b) states that compliance status must be maintained by the county during subsequent reevaluation of the regulations to ascertain their effectiveness in maintaining the quality of Wisconsin water. Counties are required to keep their programs current, effective and workable to retain their statuses of compliance. Therefore, DNR receives copies of all applications and timely notice of hearings on amendments, variances and special exceptions to assure that appropriate conditions are required and enforced. As is discussed in more detail in Appendix H, the state can participate in local hearings on amendments, variances and special exceptions as an affected party, may appeal decisions to the judiciary, and, if a pattern of non-compliance with state standards emerges, may revoke its certification of the county program.

If the DNR determines, after notice and hearing, that a county has failed to adopt an ordinance meeting DNR standards and criteria, or if the county has failed to keep an ordinance current, effective and workable, section 59.971(6) provides that the DNR shall adopt such an ordinance. Also, given both its role as mandated by these statutes and its role under the public trust doctrine, the DNR would certainly be an "affected party" and could challenge a local decision judicially. (See managed use 2 m in Appendix H for more details).

c. Recreational sites of state level significance

Sec. 27.01(1), Wisconsin Statutes, declares the purpose of state parks is "to provide areas for public recreation and for public education in conservation and nature study." The Department of Natural Resources has the responsibility for the selection of a balanced system of state parks, and for the acquisition, development and administration of state parks. Sec. 27.01(2)(a) allows DNR to "acquire by purchase, lease or agreement, lands and waters suitable for state park purposes and may acquire such lands and waters by condemnation after obtaining approval of the senate and assembly committees on natural resources." Inherent in this clause is the authorization that local regulations may not preclude acquisition or development of designated state parks. Sec. 27.01(2)(1) sanctions DNR to make investigations of sites that have potential value as state parks. Sec. 27.01(2)(b) allows DNR to "classify state park areas as to their most logical employment and greatest usefulness." Sec. 27.01(2)(j) authorizes DNR to "make such rules and regulations as may be necessary to govern the conduct of state park visitors, and for the protection of state park property, or the use of the facilities." These rules and regulations are contained in Chapter NR 45, Wisconsin Administrative Code.



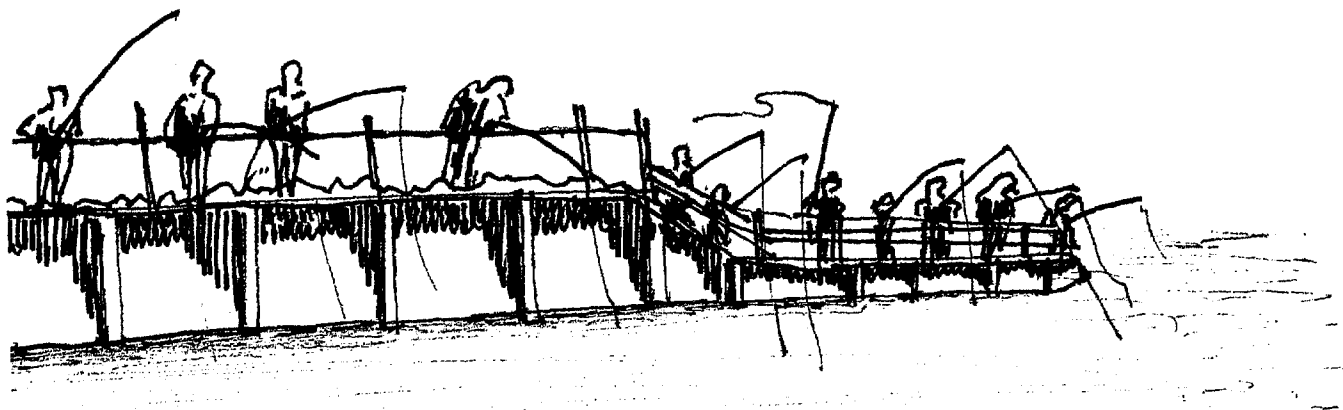
3. Program Boundaries

The federal Coastal Zone Management Act requires states to identify "the boundaries of the coastal zone subject to the management program." The boundary is to extend inland "to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters."

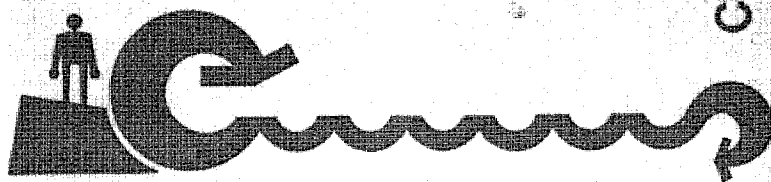
In the development of Wisconsin's program proposal, several alternative "boundaries" were considered (see, for example, Working Paper 1: Subject Matter and Boundaries, pp. 11-14, Nov. 1976, and "Minutes: Wisconsin Coastal Coordinating and Advisory Council," April 1, 1976). Inventories were made of land uses, ownership, and zoning, federally excluded lands, natural areas, fish and wildlife habitat, historic structures, and erosion hazard areas.

Based on these inventories and discussions and considering the above decisions on the "areas" and "uses" questions and the decision to use existing programs for implementation, the formal program boundary for sec. 305 (b) (1) purposes is as follows: on the waterward side--the state boundary; on the landward side--the inland boundary of the 15 counties with frontage on Lake Superior, Lake Michigan, or Green Bay. Within this area, the state will manage those uses listed in the preceding section that directly and significantly impact on the coastal environment; similarly, areas of management concern will be designated following the procedures set forth in earlier sections of this proposal and will receive special management attention.

Wisconsin has consulted with neighboring states during program development in an effort to ensure compatible boundaries.



C. ORGANIZATION FOR IMPLEMENTATION



C. ORGANIZATION FOR IMPLEMENTATION OF THE PROPOSED MANAGEMENT PROGRAM

1. Overview

After extensive examination of coastal issues, problems, and programs in Wisconsin, it has been concluded that coastal management in the state can be improved through use of a new organizational structure.

The central drawback to effective coastal management in the state is not a lack of rules, regulations, and statutory authority to control development in the coastal area, but the failure of government to assign a high enough priority to its coastal resource. This failure is reflected in the lack of coordination of the many governmental programs affecting the coastal environment, the lack of consistent and adequate enforcement of the many laws regulating activity in the coastal area, and the lack of a single strong voice to advocate a sound and sensible future for this valuable resource that belongs to all of the people of Wisconsin.

For that reason this program proposal does not recommend a comprehensive set of new regulations or a new governmental super-agency to regulate the coastal area. It does recommend a new interagency, intergovernmental coastal management council to direct an overall coastal management program. Rather than taking over and administering existing state and local programs or establishing new permitting requirements, this council's initial purpose will be to make those management techniques and institutions we already have work better. This will be accomplished by the new coastal management council's provision of coordination, provision of assistance to agencies to improve their implementing responsibilities, provision of assistance to localities to help improve their local management capabilities, and perhaps most importantly, provision of a strong voice that looks at the coastal resource in its entirety -- its environmental, economic, social, and cultural attributes -- and advocates its wise and balanced use.

The initial coastal management program will rely on existing state programs for implementation. Comprehensive coastal legislation will not be sought at this point. Rather, the focus will be on improving and coordinating the existing management system while studying the need for longer term reforms.

State government, using existing management techniques, will address those coastal issues of state-level concern-- the management of the key geographic areas and key land and water uses discussed above. In order to improve local capabilities to address local coastal issues, this coastal management council will also establish a strong program of technical and financial assistance for coastal localities.

In sum, the following conclusions were made relative to the organizational issue:

- At the outset, program implementation will rely on existing statutory authority;
- The program will focus on improvement of state-level management through better use of existing state programs; that improvement will be accomplished by: (a) better coordination, (b) better implementation, (c) provision of incentives, (d) development of new policy direction, and (e) coastal advocacy.
- Provision of additional financial and technical assistance to help local governments address their local coastal concerns is both desirable and necessary.

2. New functions to be addressed at the state level

The Wisconsin Coastal Management Program will rely on existing legislation and programs for implementation -- no new body will be created to administer regulations, issue permits or purchase land. All specific implementing responsibilities will continue to be handled by the existing agencies that currently handle them.

There are a number of specific functions that will be assigned to the new coastal management council. These functions include:

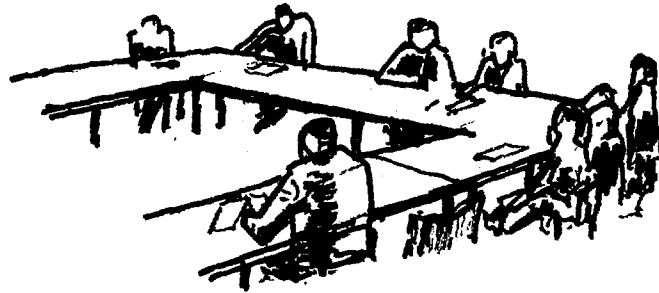
- (a) Policy development. The first function is the collection and ratification of a set of overall state coastal goals. These goals will cover topics such as areas of management concern, managed uses, intergovernmental coordination and public participation. The initial version of these state coastal policies is set out in Section I of this program proposal. Certain goals may conflict and will require resolution through compromise. This balancing of interests will be a responsibility of the Coastal Management Council (see the discussion of conflict resolution later in the chapter).

- (b) Designation of key areas and uses. A second function relates to the identification of both key geographic areas and key land and water uses. Standards for Geographic Areas of Management Concern and a specific process for formal designation of specific areas are set out in the previous section of this chapter. Designation of land and water uses having "direct and significant" impacts on the coastal environment is also made in the previous section. Finally, a mechanism for preventing potential unreasonable local exclusion of activities of regional benefit is also set out above. The details are set out in Section II B of this program proposal.
- (c) Oversight of state agency implementation and compliance. A third function will be oversight of state agency compliance with the adopted state coastal policies. All state agencies will (by executive order, supplemented by interagency agreements) be directed to cooperate with and, insofar as their statutory responsibilities allow, to act consistently with the adopted state coastal policies. Should any current legislation or administrative rules preclude full agency compliance, that agency is requested to notify the Coastal Management Council. To aid this function, the Coastal Management Council will review and comment (under A-95, NEPA and WEPA) on state and federal projects located in the coastal area in terms of their consistency with the adopted state coastal policies.
- (d) Coastal advocacy. A fourth function would be a continuing coastal advocacy and public awareness/education role. The Coastal Management Council will evaluate and assert coastal interests before the public, government officials, and local, federal, and state agencies, including seeking any legislative or administrative rule changes necessary for effective coastal management.

Any proposals to modify existing state authorities with regard to coastal management will receive adequate notice. Opportunity for extensive review and comment through existing mechanisms, supplemented by additional efforts of the Coastal Management Council, will be provided to affected local governments, citizens, and regional and state agencies.

- (e) Oversight of provision of financial assistance. A fifth function will be the establishment and operation of a program of financial assistance to coastal localities for use in local coastal management efforts consistent with adopted coastal goals. The Coastal Management Council will also oversee a program of financial assistance to state agencies and Tribal governments to improve coastal management implementation.

- (f) Oversight of provision of technical assistance to state agencies, localities and Tribal governments.
- (g) Oversight of a program of demonstration grants.
- (h) Coordination of all of the above functions.
- (i) State and local bodies may request that the Coastal Management Council review, comment on, and/or endorse their coastal management plans and projects.
- (j) Adoption of program budget.
- (k) Such other responsibilities and functions as may be assigned by the Governor.



3. A new Wisconsin Coastal Management Council

- (a) State level organizational options considered

While there are an infinite number of organizational options available to states for program implementation, the Coordinating and Advisory Council concentrated on developing three basic options in some detail. A fourth basic option, use of comprehensive legislation to establish a broad new program, was also considered by the Council. After considerable deliberation this option was rejected by the Council for several reasons: there was no demonstrated current need for such a radical change in the existing management system; such a large change needs considerably more study; and even if it were desirable, such comprehensive legislative changes could not be made for some time. A fifth basic option, that of doing nothing new in terms of coastal management, was also considered and rejected; the Coordinating and Advisory Council felt real improvements in the existing management system could be gained through participation in the program.

The first option explored in detail here is assigning the functions listed above to an existing state agency. A second alternative is to assign these functions to an existing agency, but create an advisory committee for the program. Finally, the third alternative considered (and the one eventually recommended) is to create a new independent decision-making Coastal Management Council with staffing from an existing state agency. These alternatives reflect a range of options for placement of basic program responsibility going from a single agency to a new decision-making body.

Agency Function with No Council

This organizational option would involve assigning the functions discussed above to a single state governmental agency. There would be no formal advisory groups established.

If this "agency function" option were chosen, an existing agency would be designated to fulfill those functions set out in the above section. This could be an existing functional line agency (such as DNR, DOT, or PSC) or an existing general staff agency (such as DLAD or DOA's Office of State Planning and Energy).

The major benefit of this approach is its simplicity. No new bodies are formed, no new major institutional arrangements are needed. However, it lacks the inter-agency and intergovernmental dimension that may be necessary for a successful program.

Agency Function with Advisory Committee

A second basic option is to assign all the functions to a single agency, as discussed above, but add an interagency and intergovernmental advisory committee. This option has been adopted by several other states' coastal programs and is being used in several other Wisconsin programs.

The advisory group set up under this option could be small, large or even regionally based. One suggestion was for a 12 member group -- four citizens, four persons with technical expertise, and four governmental officials. These slots could be filled with people from various governmental levels and regions to provide additional balance and breadth.

The functions of such an advisory group would center on providing advice on and review of state agencies' implementation and a monitoring of the local assistance programs. However, actual decision-making power would remain with the state agency. The group created would provide advice, not make decisions.

A separate Citizens Committee might or might not be useful with this option.

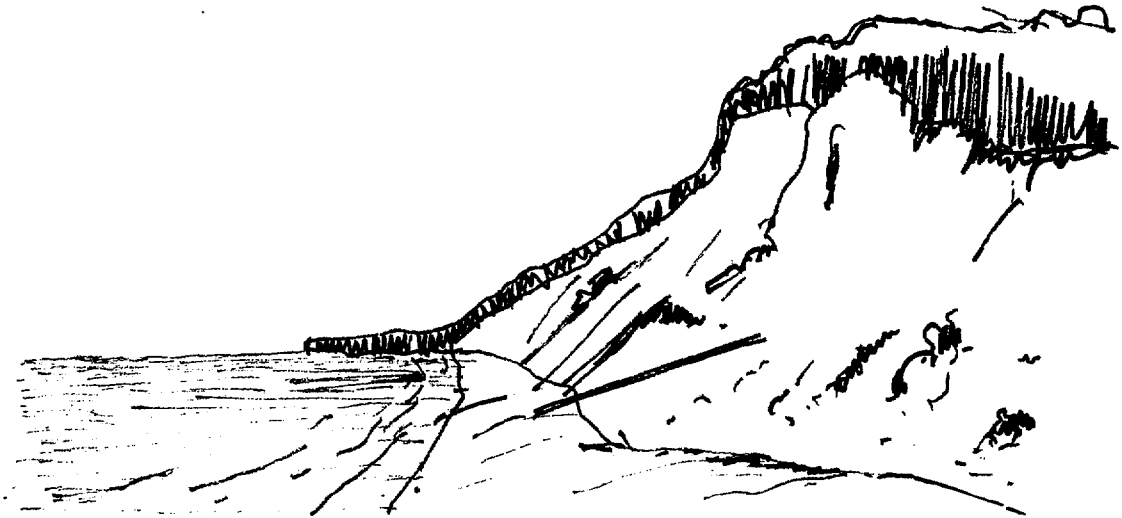
Decision-Making Council with Agency Staffing

A third basic option is to assign the functions discussed previously to a new decision-making council. This council would be responsible for setting the program's policies and making major program decisions.

There are a number of issues that must be resolved before setting up a decision-making council--who sits on such a body, how are they chosen, and what voting arrangements are set up. These issues are summarized below:

- Representation on the council. This is the question of who sits on the council. Possibilities include state agencies (DNR, DLAD, DOT, DBD, DA, PSC, Dept. of Justice, and DOA), UW (Sea Grant, UWEX), legislators, local officials, regional planning commissions, tribal governments, interest groups and citizens.
- Criteria for selection. Potential criteria for selection include: assuring a state-local balance; assuring each region of the state is equitably represented; having broad enough representation to assure adequate coordination; having representation from all parties necessary to implement the management program; having visible, responsive, and accountable decision-makers.
- Method of appointment. Several options are available: all appointments could be made unilaterally by the Governor; some of the Governor's appointments could be made based upon nomination by other parties (such as the local governments, local government associations, or the RPC's); some appointments could be made directly by the Governor, others directly by other parties (e.g., the Governor appointing state agency representatives, the RPC's appointing RPC representatives, the Speaker and President Pro Tem appointing legislators, and so forth); or some other combination.

- Voting arrangements. All council members could have equal voting powers or some could have only ex officio non-voting status. Some people suggested the state agency members be made non-voting members in order to avoid state agency domination of the council; one reaction to this proposal was that since a coastal management program will be relying on state agencies for implementation, those agencies should have a full vote on the Council (and that since the agencies have such disparate interests they are unlikely to vote as a bloc).



(b) Criteria used for selecting an option

There are a number of factors that could be used to evaluate various organizational options. While there was no attempt made to rank these factors in order of importance (it being recognized that the importance of a particular factor is a value choice that will vary with each reviewer of this proposal), there was general consensus on the part of the Coordinating and Advisory Council as to what factors should be considered and also consensus as to which of these factors are particularly important.

The twelve general factors thought to be important in reviewing the organizational options are:

- (1) Visibility of decision-makers. How easy is it to identify who is making program decisions?
- (2) Responsiveness. Are the decision-makers likely to be responsive to the public's coastal concerns?
- (3) Accountability. How accountable to the public are the decision-makers? Are they directly elected? High level "political" appointees? Professional bureaucrats? Who are they responsible to?
- (4) State-local balance. Is there a sharing of decision-making power between state and local interests?
- (5) Regional balance. Is there a sharing of decision-making power between the various regions of the state? Are the decision-makers likely to be aware of and sensitive to the regional variations in coastal problems and possible solutions?
- (6) Ability to coordinate state agency activities. Since the program will be implemented in large part by several existing state agencies, how well does the option facilitate the coordination of these state agency activities? How likely is it to be able to secure agency compliance with coastal goals and policies?
- (7) Complexity. How complex is the option? How easy is it for the public to understand the arrangement used?
- (8) Compatibility. Would the option be compatible with existing state agencies, institutions, statutes, and political realities?
- (9) Cost. How much would it cost to administer the option?
- (10) Efficiency. How efficient would coastal decision-making be with the option? How many steps would be required to make a decision? How many review points? How many interests could veto a proposal?
- (11) Special interest domination. How likely is it that a single special interest would be able to dominate the decision-making?
- (12) Approvability. How does the option affect the ability to structure a program that could be approved by the Office of Coastal Zone Management for program implementation grants?

Of these twelve factors, there was general consensus that the first six above are particularly important: As far as possible, the option chosen should have visible decision-makers who are responsive and accountable to the public; there must be a state-local and regional balance to decision-making; and there is a strong need to be able to coordinate state agency implementing activities.

(c) The option chosen

After reviewing the options laid out above, the Coordinating and Advisory Council recommended adoption of an organizational option that has a decision-making council with a separate citizens advisory committee. They believed this option had the highest visibility of decision-makers and was most likely to be responsive and accountable to the public. It had the highest degree of state-local power sharing. This option also rated high on the ability to coordinate state agency activities and the regional balance factors. While this option is more complicated, more expensive, and less "efficient" in the short run than some of the other options, the Coordinating and Advisory Council felt its strong points outweighed its weaknesses. This proposal accepts this reasoning and adopts the recommendation of a decision-making council.

The option of relying on a single agency for program direction was rejected for a number of reasons: there would be no local voice in program decisions; it lacks a regional perspective in decision-making; decision-makers would not be very visible and were likely to be less responsive and accountable; and there was the stronger possibility of special interest domination. So while this "agency function" option would be the least complicated, least expensive, and most "efficient" option, it was rejected.

Even though the addition of an advisory committee would ease some of these difficulties, it does not go far enough in addressing the state-local balance, visibility, responsiveness, and accountability factors. Therefore, the option of making the program an agency function with an advisory committee was rejected.

Finally, after considerable discussion, the option of a decision-making council with the state agencies having no vote was also rejected. Since the management program will rely on state agency action for implementation, state agencies should have a full voice in program direction. Removing their vote destroys the state-local power balance and adversely impacts on the ability of

the group to coordinate state agency activities. Strong representation on the decision-making council by local and public interests minimize the possibility of any state agency domination. Also, it should be noted that state agencies, as well as all other Council members, will not be allowed to vote on funding decisions that directly affect their agency or interest.

This decision-making council will be assigned all of the functions discussed in the previous section of this program proposal:

- (1) Policy development
- (2) Designation of key areas and uses
- (3) Oversight of state agency implementation and compliance
- (4) Coastal advocacy
- (5) Oversight of provision of financial assistance
- (6) Oversight of provision of technical assistance
- (7) Oversight of demonstration grant program
- (8) Coordination of all above functions
- (9) Review of coastal management plans and projects
- (10) Adoption of program budget
- (11) Others, as directed by Governor

In order to adequately perform these functions and best meet the review criteria, it is necessary to create a broad Coastal Management Council with some members having a state government oriented perspective, some having a local government oriented perspective, and some a publicly oriented perspective. While this results in a rather large group, the Council can work effectively and efficiently through the use of committees and strong staff support. Further, full consideration will be given to inclusion of women and minorities on this council. As tribal governments control a significant portion of the Wisconsin Lake Superior shoreline, tribal governments should also be invited to participate fully in this program.

The Wisconsin Coastal Management Council will have 29 members and have the make-up and method of selection as detailed in Table 1 on the following page.

While all these appointments would be formally made by the Governor, 25 of the 29 participants would be non-discretionary appointments. It is suggested that appointments be for two year terms (or the nominee's term in office), with the possibility of reappointment. Also, the terms should be staggered, with one possible way of doing this being to make either the locally or publicly oriented appointments a one year initial term.

TABLE FOUR

COUNCIL MAKE-UP AND METHOD OF SELECTION

I. State government oriented members (10)

<u>Body</u>	<u>Number</u>	<u>Method of Selection</u>
A. Department of Natural Resources	1	(Secretary or designee)
B. Public Service Commission	1	(Chairman or designee)
C. Department of Transportation	1	(Secretary or designee)
D. Department of Business Development	1	(Secretary or designee)
E. Department of Administration	1	(Secretary or designee)
F. Dept. of Local Affairs and Development	1	(Secretary or designee)
G. Department of Agriculture, Trade and Consumer Protection	1	(Secretary or designee)
H. Assembly	2	(By leadership)
I. Senate	1	(By leadership)

II. Local government oriented members (10)

A. Northwest area	3	(see note)
B. Bay Lake area	3	(see note)
C. Southeast area	3	(see note)
D. City of Milwaukee	1	(By mayor)

Note on locally oriented member selection: Each coastal regional planning commission would submit three names for the council members from their area. The names would be selected by the Commission's Executive Committees. The nominations would have to come from the following four categories, with no more than one from any single category: (1) Regional planning commission; (2) counties; (3) cities; and (4) village and towns. At least two of the three nominees of each area must be elected officials. Also, each nominee must be from a different county, and the nominees should reside in coastal counties.

III. Publicly oriented members (7)

A. Citizens Committee	1	(Chair)
B. UW (Sea Grant)	1	(By President)
C. UW-Extension	1	(By Chancellor)
D. Inland advocates	2	(By Governor)
E. Coastal citizens (Superior and Michigan)	2	(By Governor)

Note: The Governor's selection of these four citizens would be based on the recommendations of program staff (who would consult fully with the regional planning commissions and interests with state-wide contacts and perspectives, such as UWEX, the League of Women Voters, the Conservation Congress, etc.).

IV. Tribal governments (2)

A. Red Cliff	1	(By tribal council)
B. Bad River	1	(By tribal council)

Note: Wisconsin's two tribes with coastal lands would be invited to participate in the council as full members in order to promote full cooperation and coordination of the Wisconsin coastal management program and tribal coastal management efforts.

In order to maintain an effective program, this Coastal Management Council will, on a regular basis, reevaluate its structure, roles, functions, and the need for its continued existence. This reevaluation will be in addition to and independent of required fiscal and OCZM program review.

d. Staff for the proposed Coastal Management Council

The Office of State Planning and Energy, Department of Administration, will be the lead agency to solicit, receive, and administer federal funds for the coastal management program. This agency will house a small central staff for the decision-making council.

A number of other state agencies will continue to be actively involved in the coastal program. For example, as a major implementor of coastal programs, the Department of Natural Resources might likely receive grants to improve its coastal management abilities and acquire additional lands (or interests in lands) of state-wide recreational or natural importance; the Public Service Commission might receive grants to better deal with the issues of siting energy facilities in coastal areas; the Department of Transportation might receive grants to provide technical assistance in port development; the Department of Local Affairs and Development might receive grants to provide technical assistance to localities undertaking coastal management efforts; and so on.

It is also anticipated that the coastal regional planning commissions will provide staff support for the program in a variety of ways, including, for example: staffing regional task forces; providing technical assistance to localities; coordinating the provision of technical and financial assistance in their areas; undertaking technical studies to supply information for the program; technical review of program reports and proposals; assisting in public information and education programs; assisting in public participation programs; etc.

e. Establishment of the proposed Wisconsin Coastal Management Council

In order for program implementation to begin and federal funds for coastal management to be secured as soon as possible, the Coastal Management Council will be initially established by gubernatorial executive order. This procedure does not foreclose legislative creation of the Coastal Management Council at some later point, but recognizes the fact that the legislative process is long and complex and that waiting for legislation before starting a program could seriously delay recommended improvement of Wisconsin's system of coastal management.

Also, it should be noted that there would be legislative review of any program proposal submitted to the federal government and legislative approval of any state funding of the program. Interagency agreements will be used to detail specific interagency relationships. See Appendix H for a detailed discussion of these mechanisms.

4. Roles of existing governmental agencies

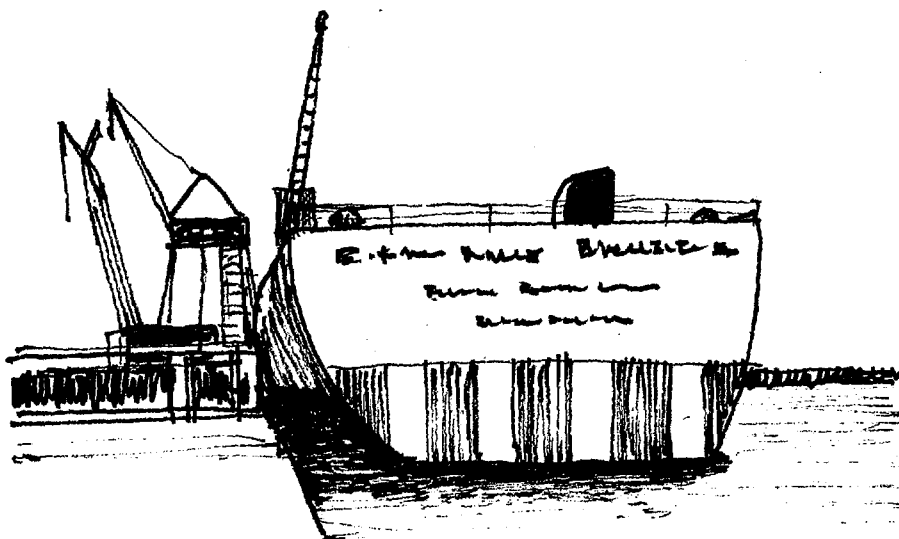
As has been noted several times in this program proposal, existing state agencies will continue to carry out their individual coastal management activities. The Department of Natural Resources will continue to purchase and operate state parks, carry out its fish and wildlife management functions, carry out its water and air quality duties, and regulate shore alteration activities. The Public Service Commission will continue to regulate power plant and transmission line planning and siting decisions. The Department of Transportation will continue its highway and port assistance activities, transportation planning, and its scenic easement purchases. The Department of Local Affairs and Development will continue to provide technical planning assistance to localities. The Department of Business Development will continue its tourism and business promotion activities.

The Wisconsin Coastal Management Council will take over none of these specific coastal management activities. It will issue no permits and purchase no land. It will make funds available to the above state agencies to improve their management capabilities. It will coordinate the activities of these agencies so that a consistent coastal management program will be carried out in the state.

With this proposal, local governments will continue their role of local coastal planning and management. There would be no state take-over of local concerns--local planning and regulation would continue to be handled at the local level. Where the state is currently involved in these matters, as with standards for shoreland and floodplain zoning, the coastal program will look to improving both the state standards and the local capabilities to fully meet those standards. Otherwise, the purpose of the proposed program will be, where requested by localities, to provide technical and financial assistance for the local resolution of local coastal problems.

To assure full consultation and coordination with local governments, major program decisions will be submitted to localities for review as stated below. These program decisions include the designation of GAMC's, the annual work program/budget, and any changes in management policies or practices set forth in agency administrative rules. The GAMC designation process provides for notice to localities through the regional clearinghouse, with a 30-day comment period; the annual budhet undergoes a standard A-95 review; and changes in administrative rules are published in the state's official register of the administrative code at least one month prior to their effective date.

Other important actors in this proposed coastal management program are the three coastal regional planning commissions. As noted above, the program will fund their efforts that support the coastal program's public participation, technical assistance, and governmental coordination efforts.



5. Conflict Resolution

The ability to resolve conflicts among competing uses is important for insuring a consistent coastal management program on the part of local governments, state government and federal agencies. The Wisconsin program recognizes the Governor's role in the coordination and management of the executive branch as central to any conflict resolution process. The Governor's authority to assure that a consistent and coordinated coastal program is executed through executive orders is discussed in detail in Appendix H. The Governor's principal responsibility is insuring compliance and promoting consistency among established policies.

Interagency agreements, also discussed in detail in Appendix H, will be used as a means of formalizing compliance by state agencies in executing program goals and policies.

There are a number of mechanisms currently in use that will be used to help resolve potential conflicts. These are discussed in some detail in Appendix H and include:

- a. Administrative review process
- b. A-95 review and comment
- c. Wisconsin Environmental Policy Act
- d. Office of State Planning and Energy
- e. The budget process
- f. Interagency committees
- g. Judicial review
- h. The National Environmental Policy Act of 1967

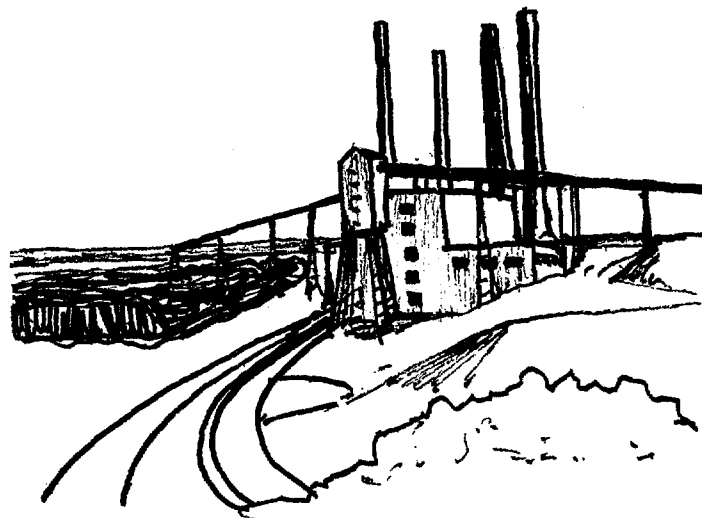
Most of the above techniques do not resolve conflicts in themselves. They are often of an informational nature, whereby the provision of a better understanding of the features of an issue leads to preliminary avoidance of intergovernmental conflicts.

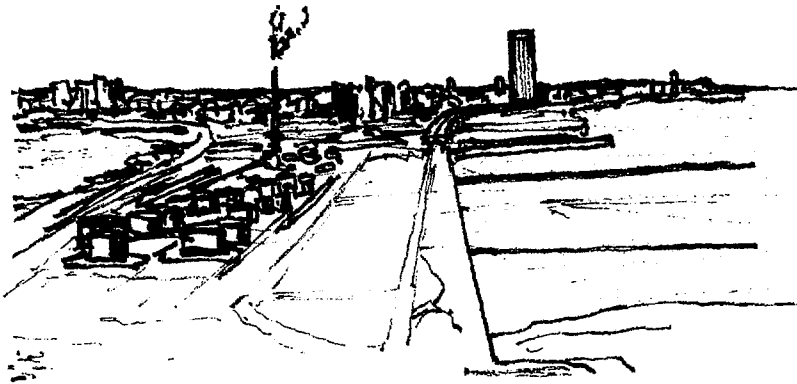
The Wisconsin Coastal Management Program will introduce into this present system of conflict resolution the new elements of the Coastal Management Council (CMC), the Citizens Advisory Council (CAC), the establishment of specific management policies for designated areas of management concern, and the requirement of federal consistency with the policies of the Wisconsin management program. All of these elements are discussed in more detail elsewhere in this proposal.

Being composed of members representing diverse interests, the CMC would attempt to resolve those conflicts before they would normally advance to the Governor's office. The Council will use existing vehicles, such as A-95 review and comment, to improve coordination and assure a consistent management program. Coastal management concerns would be inserted into such reviews by the CMC, taking into consideration the program objectives and state policies. The CMC would become part of the administrative review process, could become involved in judicial appeals, and has decision-making authority for those issues involving program operation.

One of the functions of the CAC will be to monitor the implementation of the program. This could include identifying impending conflicts and bringing them to the attention of the involved parties or the CMC. A second function, that of sponsoring public participation and public education programs, can also serve to identify potential conflicts and facilitate early resolution.

With the GAMC process, specific policies for specific areas are proposed by the managing agency. These proposals are reviewed by local, state, and federal agencies, and the public. A specific mediation process is set up for conflicts. With the federal consistency provisions, specific procedures are set forth for improving the coordination of state and federal management programs.





6. Public participation in implementation of the proposed program.

The development of a coastal management program in Wisconsin has been undertaken with a strong, aggressive program of public participation.* The importance of continued active public participation in the program is recognized and is reflected in the program activities listed in the first chapter of this proposal.

Two formal mechanisms to assist the program in meeting its public participation responsibilities are: (1) creation of a state citizens advisory committee; and (2) creation of regional advisory committees.

a. State Citizens Advisory Committee

A broad State Citizens Advisory Committee, with independent staffing, will be established to monitor program implementation and to develop, recommend, and sponsor public information, education, and participation programs. Further, to provide citizens with a direct role in coastal program decision-making, the chair of the State Citizens Advisory Committee will be an ex-officio member of the Coastal Management Council with full voting rights.

These conclusions led to this decision:

- There is a valid citizens monitoring function to be performed during initial program implementation, the time when broad policies will be specified into detailed operational guidelines;

*See Appendix E for details.

- There is a valid education and participation function to be performed, as the program will need citizen support and involvement (along with intergovernmental participation) for successful implementation;
- Only an advisory citizens group composed of a broad spectrum of publics can monitor and evaluate program implementation and identify emerging conflicts from the citizen's perspective;
- Representation on the Coastal Management Council is necessary to legitimize an advisory role;
- Independent staffing is required to guarantee independent thought and involvement.

In setting the membership of the State Citizens Advisory Committee, the following general criteria for membership will be used:

- Achieve representation from the whole spectrum of public interests concerned with coastal resources;
- Achieve a balance between representation based on population and representation based on geography, giving full consideration to urban, suburban, and rural interests;
- Achieve a balance of interests from the three regions, and a representative of inland perspectives;
- Achieve strong representation from those interests which will be affected (positively and negatively) by coastal management;
- Achieve strong representation from groups concerned with the general public welfare;
- Achieve equitable representation of women and minorities.

To achieve this, the group should have 27 members selected as follows:

- Develop nomination lists through consultation with:
 - 1) Regional Planning Commissions
 - 2) County planning agencies or Extension agents
 - 3) State and local organizations
- Document the selection process
- Select likely candidates (Council)
- Offer positions
- Formal appointment by Council and public notification

On two key points, geographic and interest group representation, more specific criteria for membership are set forth:

- Geographic balance

Six from the Northwest RPC area, nine from Bay Lake RPC area, 11 from Southeast RPC area, one from inland. More specifically, an attempt would be made to secure the following county representation:

- 2 - Douglas
- 2 - Bayfield
- 2 - Ashland and Iron
- 1 - Marinette
- 1 - Oconto
- 2 - Brown
- 2 - Door
- 1 - Kewaunee
- 1 - Manitowoc
- 1 - Sheboygan
- 1 - Ozaukee
- 6 - Milwaukee
- 2 - Racine
- 2 - Kenosha
- 1 - Inland

- Interest area balance

Representation from the following public interest areas should be considered (but not limited to):

- Agriculture
- Manufacturing
- Real Estate
- Shipping and Ports
- Utilities (electric)
- Other General Commerce
- Commercial Fishing
- Recreation Services (hotel/motel, marina, boats and motors)
- Recreational Boating
- Other Recreational Users
- Sportsmen/Fishermen
- Environmental Concerns
- Scientific Areas Preservation
- Historic Preservation
- Public Interest Groups (League of Women Voters, educators, etc.)
- Shore Property Owners

The specific functions of the State Citizens Advisory Committee will be as follows:

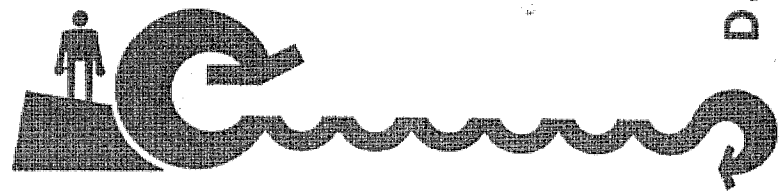
- Monitor initial implementation of program
 - 1) Serve as sounding board for Council
 - 2) Serve as advance warning system to alert Council to emerging public concerns
 - 3) Serve as forum for citizen evaluation of program implementation to insure that citizen value preferences are expressed and considered by the Council.
- Public Education and Participation
 - 1) Develop and recommend policies and programs for broad public information and education
 - 2) Initiate and co-sponsor public participation efforts
 - 3) Monitor and evaluate public education and involvement efforts

In addition, the need for such a citizens group to tend toward self-destruction instead of self-perpetuation was considered. State level committees have a tendency to lose their purpose and function after the rules of operation become routine. As a result, this Committee will annually initiate a reevaluation of its role, functions, and need for continued existence.

b. Regional Task Forces

Regional coastal task forces, to be staffed by the regional planning commissions, will also be established. The basic purpose of the task forces will be to facilitate fuller participation in the program on an on-going basis by interested local parties. To insure full communication, the members of the decision-making coastal management council and state citizens advisory committee from that region will be members of the regional task forces.

The membership and operating procedures for each regional task force should be set by the individual regional planning commissions. While regional variation will take place, each commission will make opportunities for participation fully available to local citizens, elected officials, and technical personnel. The regional commissions will be appropriately funded by the coastal management program to staff these task forces.



D. PROGRAM FUNDING

D. PROGRAM FUNDING

1. Overview

a. Introduction

Funding assistance through the federal Coastal Zone Management Act offers an opportunity to make management programs work better, to address specific Great Lakes issues and to develop an awareness and advocacy of the importance of the Great Lakes to the environmental, social and economic well being of the State.

The assistance provides an incentive to states to look at their coasts and to develop policies and programs as necessary to improve the management of them. It must be noted, however, that federal funds are currently authorized for only a fixed period of time (generally until 1980). Congress could find that it is in the national interest to extend the duration of the Act's authorizations at some future date.

The duration of the current authorization would suggest that the wise use of federal funds would be to direct those funds towards the solving of specific coastal problems over the short term and addressing "short-term" implementation activities in lieu of developing solely additional staff capabilities which necessitates a long term commitment. Should a Coastal Management Program proposal be approved, the Coastal Management Council will need to be vigilant in reviewing proposals to preclude placing a heavy financial burden on either state or local governments if federal funding assistance terminates.

Funds authorized and appropriated should be viewed as complementary to existing state and federal programs not as a substitute for them. The following sections on funding activities encourage the use of program funds in conjunction with other sources to achieve program objectives. Considering the miles of Great Lakes shoreline in Wisconsin and the amount of funding potentially available, as noted by several local officials, "it doesn't add up to much per mile." It could however make the difference between almost having enough to begin a project on a coastal problem and having enough. Projects in Superior, Racine County and Milwaukee over the past few years have proven that a relatively small amount of assistance can often make the difference.

b. Program Coverage

Financial and technical resources available through this program are limited to the fifteen coastal counties, less the area managed by the federal government. The program funds will be used to achieve the program objectives identified earlier:

- o advocacy of the wise and balanced use of the coastal environment.
- o increased public awareness and opportunities of citizen participation in decision making.
- o coordination of existing policies and activities.
- o improvement of implementation and enforcement of existing policies and programs affecting designated key coastal uses and areas.
- o strengthening of local government capabilities to indicate or continue effective coastal management.

c. Accountability

The Coastal Management Council (section II C), among other things, is charged with the functions of:

- (1) oversight of financial assistance to local governments and state agencies.
- (2) oversight of a program of demonstration grants.
- (3) approval of the program budget.

The Council is composed of members from local governments, the state legislature, state agencies and citizens. This composition provides a balance amongst governmental functions. It further provides for members who are readily accountable to the public.

The Coastal Management Program as a whole will be accountable to the Governor, the legislature, the general public, the federal Office of Coastal Zone Management, and the Council membership itself.

d. Estimated fiscal benefits/costs

There is a problem with identifying potential federal funds and state matching requirements, before a state program is approved, as conditions and requirements can change. There is, however, an equal concern that

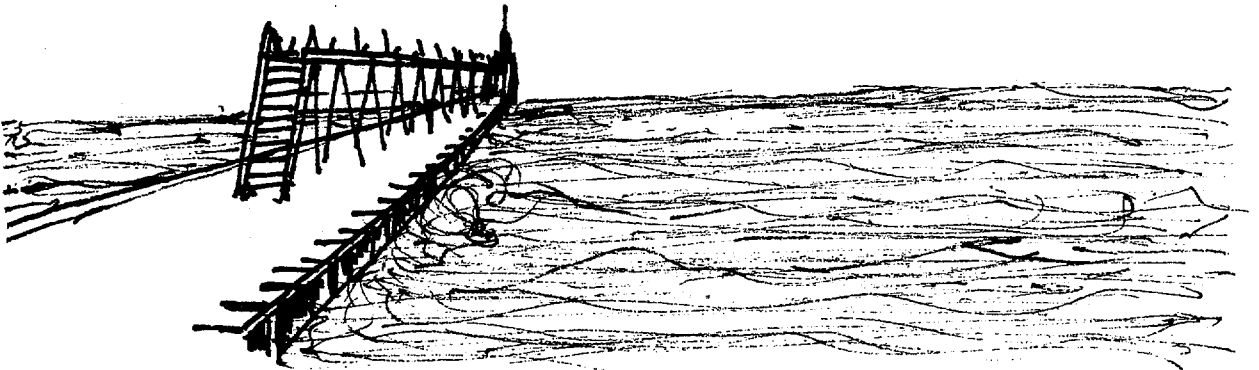
these fiscal costs and benefits be made public in order that citizens and officials have a clear idea of the program. The following discussion is the best understanding of this issue at the time of preparing this proposal. It should be kept in mind that the figures used are estimates, not firm or fixed figures.

Federal funds available

The best estimate of potential federal funds available to Wisconsin under the basic elements of the Act (306) is approximately 1.5 million dollars a year over a five year period. The actual amount of finding is determined through a yearly grant application process.

In estimating the federal assistance available there are several other factors to keep in mind.

- 1) The first variable deals with the number of states participating in the national program. Congress has authorized a fixed limit to the total amount of funds available. If fewer states participate than expected, the amount available to each state would be proportionately higher. If Wisconsin chooses not to pursue a program, additional funding would be available to other states that do participate.
- 2) A second factor relates to Congressional support for coastal management. The 1976 amendments to the Act, amongst other things, sought to continue the program, increase the federal share and increase the federal authorization. The amendment passed both houses of Congress by overwhelming majorities (House--370 to 14; Senate--73 to 15). From the enactment of the initial Act in 1972, Congressional support of the program has been strong. Considering such recent events as the numerous major oil spills, the extension of territorial waters to 200 miles and the efforts to obtain energy resources from the outer continental shelf, there is reason to assume that Congressional support will remain and the program funding authorizations will, in the normal budgetary process, be extended beyond 1980.



State match required

States are required to match the federal funds at a ratio of one state dollar for each four federal dollars. This match can occur as either dollars or matching services and activities. With an estimate of 1.5 million dollars annually, Wisconsin would be expected to contribute \$375,000 dollars as money or in-kind services. Since the Wisconsin program is based on existing programs, much of the required match would be as in-kind activities. Any additional state dollars would have to be reviewed and approved by the state legislature. As a general rule, this match requirement will be met by each individual applicant.

2. Funding Sources for a Coastal Management Program

The federal Coastal Zone Management Act provides for assistance in a variety of areas from program development to beach and island acquisition. The following is a brief synopsis of the types of assistance available to states that are voluntarily participating in the program. The relevant section of the Act is shown in parenthesis.

- Management Program Development (Section 305)

Congress has authorized \$20 million annually through 1979 for states to develop management programs. The current efforts in Wisconsin are funded under this provision of the Act.

- Management Program Implementation (Section 306)

Once a state has a Management Program meeting its needs and consistent with the guidelines of the federal Act, funds are authorized (\$50,000,000 annually, currently authorized through 1980) to assist states in implementing their program.

- Coastal Energy Impact Program (Section 308)

Eight hundred million dollars are authorized through 1984 (no annual limit) "to meet the needs of coastal states and local governments in such states resulting from specified activities involving energy development." The provision provides for grants or loans to: plan for energy related activities; assist in providing new or improved public facility needs and/or to recover from unavoidable loss of a valuable environmental or recreational resource.

- Interstate Grants (Section 309)

To encourage coordination between states and to study, plan and implement multi-state coastal policies, the Act provides an authorization of \$5,000,000 annually (currently authorized through 1980).

- Research and Technical Assistance (Section 310)

Grants to states may be made under this section of the Act to carry out research, studies and training required with respect to coastal management. Federal assistance authorized is \$10,000,000 annually (currently authorized through 1980).

- Estuarine Sanctuaries and Beach Access (Section 315)

This is the only section of the Act which allows for the acquisition of public lands. Six million dollars are authorized annually for acquiring, developing or operating natural field laboratories. Twenty-five million dollars are authorized for acquiring lands to provide for access to public beaches or other coastal areas of public value (environmental, recreational, historical or cultural) and for the preservation of islands. There is a total of \$31,000,000 annually (currently authorized through 1980) authorized for these programs.

All the sections identified above are contingent upon the state's voluntary participation in the basic parts of the Act, that of developing or implementing a Management Program. While states are the recipients of funding in most cases, the Act does not preclude the passage of funds to local units of government. Wisconsin's approach of a state/local partnership is consistent with the Act and opens the door for supporting local efforts in any or all of the areas listed above.

The sources listed above are available types of financial assistance through the Coastal Zone Management Act of 1972. In all cases states must make application for these funds by submitting specific proposals. This should be kept in mind while reviewing this section. Wisconsin will not have discretionary funds but must make application for assistance with relatively specific proposals to the Office of Coastal Zone Management. (See Section 5 below -- Application and Review Process)

3. Eligible Funded Activities and Recipients

As stated above, a state's accessibility to the \$166,000,000 annually in nation program authorizations is predicated on participation in the federal program either in developing or implementing an overall Coastal Management Program. The following section outlines the basic activities to be funded in Wisconsin's Program. Coastal Management Council members may not vote on funding decisions directly affecting their constituency or agency. This section parallels the program objectives identified in Section I of this proposal.

- a. To provide a strong voice to advocate the wise and balanced use of the coastal environment and promote the recognition in federal, state and local policies of the uniqueness of the coastal environment.

This objective will be primarily achieved through the Coastal Management Council, Citizen Advisory Committee and the program staff. Other activities could also aid in achieving this objective and proposals would be considered.

Eligible Recipients - principally the lead agency; general purpose units of government.

- b. To increase public awareness and opportunities of citizen participation in decisions affecting the Great Lakes resources.

Eligible Activities - can be grouped into two areas-- public awareness and citizen participation.

Public awareness activities will take full advantage of existing services provided through the Sea Grant College Program, University of Wisconsin-Extension, and others. Activities could include preparation and distribution of informational materials on coastal issues, such as hazards of oil spills, shore erosion, the unique climatic effects along the lakes, air transport of hazardous substances, etc.

Citizen participation activities could consist of: the development of innovative approaches to enhance public participation in decision-making; ombudsman to investigate citizen concerns over coastal management; the logistical and staff support of a separate state-level Citizens Committee representing the various interests affected by the program; or others.

Eligible recipients;

- (a) State agencies
- (b) City, Village and Town agencies
- (c) County agencies
- (d) Regional Planning Commissions
- (e) Universities, colleges, public technical schools, and public schools

- c. To improve the coordination of existing policies and activities of governmental units and planning agencies on matters affecting key coastal uses and areas.

(1) Program Administration

Eligible activities include the fiscal and managerial administration of projects funded through the program and the logistical and staff support of a state-level council to direct the program.

Recipient: the lead agency for the state program.

(2) Research and Technical Assistance

One of the primary purposes of a continuing coastal management program in Wisconsin is to provide both funding and technical skills to those units and agencies of government having jurisdiction on the water and shoreland areas in the study of and planning for resolution of problems in the coastal management area. Several agencies of government have the technical staff capability to assist the state and local coastal units and agencies of government in the preparation of special studies or plans related to the coastal management area as well as the preparation of coastal management implementation measures. It is incumbent upon those agencies of government having technical expertise to make it available to units of government which wish to carry out the established objectives of the coastal management program.

Eligible activities include those issues which are regional or statewide in nature and where technical assistance is either non-existence or insufficient. Assistance should be provided to projects addressing specific current coastal problems, e.g., shore erosion. Specific guidelines will be established by the Coastal Management Council. There are several types of Technical Assistance that could be provided. Forms of direct assistance may include:

- (a) The organization of a coastal area study, management, or planning program.
- (b) The selection of other technical data or assistance providers.
- (c) The coordination of work efforts.
- (d) Data collection and analysis.
- (e) The preparation and review of alternative and final plans.
- (f) The preparation and review of technical studies and reports.
- (g) The preparation of specific ordinances or regulatory devices.
- (h) The provision of staff training programs and courses.

Forms of indirect assistance may include:

- (a) The preparation and dissemination of planning guides related to coastal management projects.
- (b) The preparation and dissemination of specific work handbooks or manuals.
- (c) The preparation of model codes, ordinances, and other implementation devices.
- (d) The provision of training courses and seminars related to coastal management programs, projects and implementation.

Eligible recipients:

- (a) Federal agencies
- (b) State agencies
- (c) City, village, and town agencies
- (d) County agencies
- (e) Regional Planning Commissions
- (f) Universities, colleges, and public technical schools
- (g) Tribal governments

Coordination of technical assistance to local units of government will be conducted through the respective regional planning commissions. Adherence to this procedure will aid in minimizing confusion and duplication of effort.

(3) Interstate Grants

Financial assistance is available for study and resolution of coastal management problems reaching across state boundaries.

Eligible recipients: general purpose governments having jurisdiction and sharing a boundary with a neighboring state (state and local) and regional planning commissions.

- d. To improve the implementation and enforcement of existing regulatory and management policies and programs affecting key coastal uses and areas.

Eligible Activities

(1) Uses of state management concern* - Assistance is available for improved state management of those key uses which have a direct impact on the Great Lakes.

(2) Areas of state management concern* - financial and technical assistance is available for key areas designated by the Coastal Management Council as being of management concern.

(3) Coastal energy impacts - financial assistance is available to assist state and local governments to meet their needs resulting from specific activities involving energy development. Such assistance includes grants to plan for the consequences of existing, expanded or new coastal energy facilities; loans to assist in providing new public facilities or services required as a result of coastal energy activity and guarantees on bonds issued for the purpose of new or improved public facilities or services required as a result of coastal energy activity.

(4) Estuarine sanctuaries and beach access - Financial assistance for the acquisition of public lands as:
a) natural field laboratories; b) to provide public access to public beaches or other coastal areas

*Projects must be an outgrowth of the specific policies to manage key uses (section II b.2.) and key areas (section II B.1.)

of environmental, recreational, historical, esthetic, ecological or cultural value, or c) for the preservation of islands.

Eligible recipients: general purpose governments (state and local); University of Wisconsin; Tribal governments.

- e. To strengthen local government capabilities to initiate or continue effective coastal management.

(1) Demonstration Projects

The Wisconsin Coastal Management Program should encourage new approaches to improve management of the limited Great Lakes shoreline. In order to assist governments with management within their jurisdictions, the coastal program will provide funds for innovative approaches to coastal problems.

Eligible activities. The purpose of demonstration project funding is to encourage unique and innovative projects. The range of eligible projects should remain as broad as possible. To ensure the greatest possible flexibility in evaluating projects, any project which meets the following guidelines will be eligible for consideration. The guidelines for project eligibility include:

- (a) Projects should deal with an issue or problem of substantial interest to others in the coastal area, and results should be applicable to other coastal locations in Wisconsin (or the nation).
- (b) Projects should not duplicate other projects in Wisconsin which are in process or which have already been completed. However, projects which result from or build upon previous projects would be acceptable.
- (c) Projects must be consistent with the adopted plans of local units of government and areawide agencies.

Eligible Applicants: Applications for demonstration project funding would be accepted only from coastal towns, villages, cities or counties. Other local units or agencies of government or private bodies interested in potential demonstration projects would be required to obtain the sponsorship of the local unit of government and the clearance of the unit in which the project is located. The local governmental unit could act as sponsor for projects; could contract with others to complete projects; or could undertake projects on its own.

(2) Regional Technical and Administrative Support

The Wisconsin Coastal Management Program is directed at improved communication and coordination between units of government. Eligible activities for which financial assistance within this element is available: 1) assisting regional clearinghouses to facilitate coordination and avoid duplication; 2) providing administrative support to local governments in seeking financial or technical support through this program; and 3) providing readily available general technical support to local governments in addressing coastal problems; 4) providing technical assistance coordination; 5) staffing regional technical and citizens advisory committees. Eligible recipients: Regional Planning Commissions.

(3) Local Government Technical Assistance

The intent of this coastal program local assistance is to aid local units of government in developing a capability to manage their shoreline. Requests for funding under this category generally should fall within the following descriptions of eligible projects:

Eligible activities

(a) Planning and Management Program Development

- Organization of study or planning program
- Staff development

(b) Conduct of a Planning and Management Program

- Development of alternative or final plans
- Data collection and analysis
- Review of technical studies and reports
- Preparation or revision of implementing ordinances
- Staff training programs and courses

(c) Specific management activities

Assistance for the implementation of a management program would be obtained through participation in the designated area/use program discussed in section 3.d immediately above.

Eligible Recipients: General purpose governments, University of Wisconsin, regional planning commissions.

4. Standards for Project Funding

In order to ensure that the best possible use is made of the available funds, applications for coastal program financial assistance must meet several funding guidelines.

a. General Guidelines

- (1) Applicants must state that a reasonable investigation of alternative sources of funding has been made.
- (2) The project must begin within 90 days of the approval of funding by the Coastal Management Council, and the project must be complete in two years or less.
- (3) Project funding may be combined with other local, state or federal funds (or projects) to achieve coastal management objectives. (Combining of funds is both appropriate and encouraged).
- (4) Proposal may make applicant eligible for, or increase applicant's priority for funds, from other state or federal programs.
- (5) Applicants must have a clearly-defined means of public participation in the proposed project.
- (6) Applicant must comply with standard limitations on the use of federal funds (e.g., equal opportunity hiring).

b. Specific Guidelines for Funding

- (1) A single project may involve no more than 10% of the current budget year coastal funds. Total funding from the coastal program may not exceed 80% of the total cost of the proposed project. The applicant's share may be in matching funds or in-kind contributions.
- (2) Applicants for local assistance funds must be engaged in, or be in the process of creating or initiating, a local planning program that includes preparation and adoption of comprehensive coastal plan or plan component(s).

5. Application and Review Process

- (a) Proposals for financial assistance will originate with appropriate eligible recipients. Project proposals and funding requests will then be submitted to the Coastal Management Program. Assistance in preparing an application will be available from the regional clearinghouses and the lead agency.

- (b) The program staff* would conduct an initial review of project eligibility. If it is determined that the proposal is clearly not eligible, a recommendation to that effect would be transmitted to the Council and to the applicant.
- (c) If the proposal appears to be eligible, the staff would transmit the project proposal to the appropriate regional clearinghouse for formal review. At the same time the proposal would be transmitted to a standing committee on financial assistance to be established by the Coastal Management Council. Where appropriate, the state clearinghouse will also be notified.
- (d) The state and regional clearinghouses will utilize their existing review process to solicit comments.
- (e) The state and regional clearinghouses will provide any comments to the Coastal Management Council's Financial Assistance committee within a 30-day period.
- (f) Following the formal review, this committee will meet to make its final recommendation to the Coastal Management Council.
- (g) The Council will make a final decision on project funding and notify the applicants of the decision.
- (h) The Council will then make application for the necessary funding from the federal Office of Coastal Zone Management.

*Program staff consist of representative of the major participating agencies, e.g., OSPE, BLRPC, NWRPC, SEWRPC, DNR, DOT, DLAD and others.

TIME TABLE FOR GRANT APPLICATION AND REVIEW

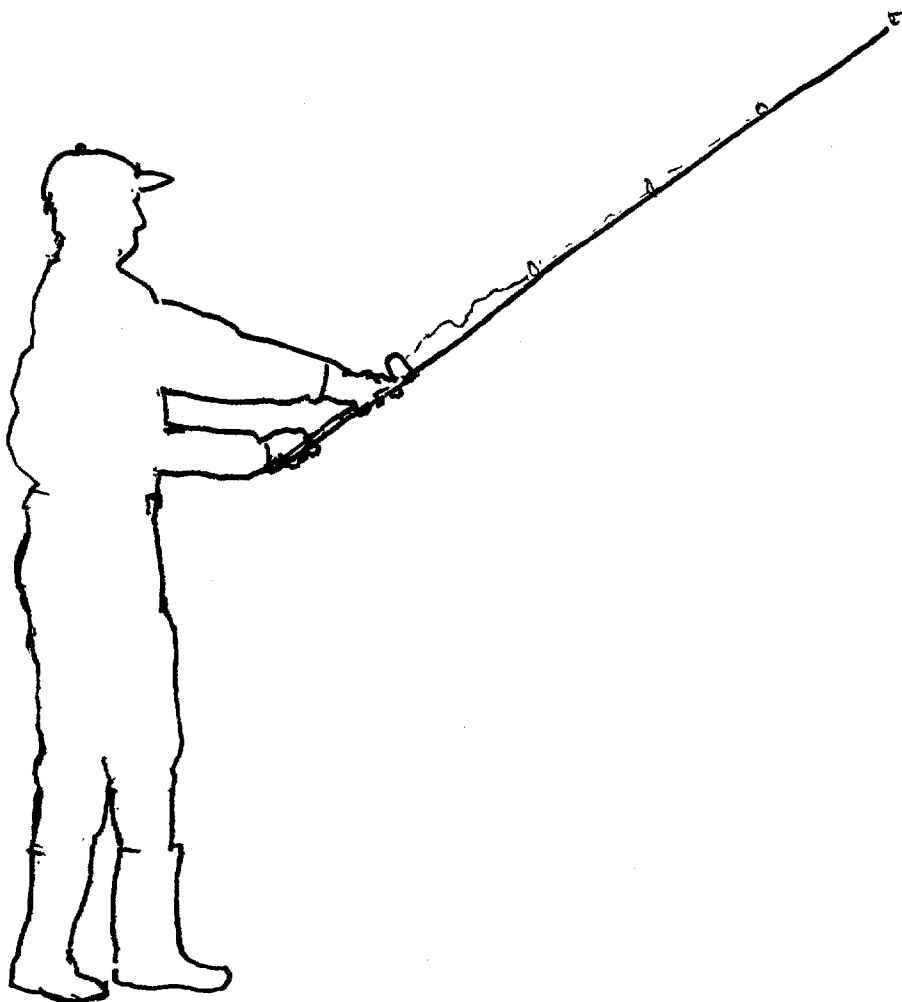
- 9 months before grant begins - Call for proposals from eligible recipients. Information will be widely disseminated to local governments, state agencies, regional planning commissions and others as appropriate.
- 7 months before grant begins - Due date for all proposals. Proposals will be referred to a standing committee of the Council (Financial Assistance) for an initial screening of eligibility.
- 6 months before grant begins - Eligible proposals submitted to Regional Clearinghouses for review and comment. Technical review conducted simultaneously.
- 5 months before grant begins - Due date for Regional Clearinghouse and Technical review. Standing committee prepares application and coordinates with the federal Office of Coastal Zone Management on budget and proposed projects.
- 4 months before grant begins - Council review and approval of proposed application. Final application prepared.
- 3 months before grant begins - Formal submission of Grant Application to the State A-95 Clearinghouse process for review and comment.
- 2 months before grant begins - Formal submission of Grant Application to the federal Office of Coastal Zone Management for review and approval.
- 1 month before grant begins - Formal notification of approved Grant Application by the federal Office of Coastal Zone Management.

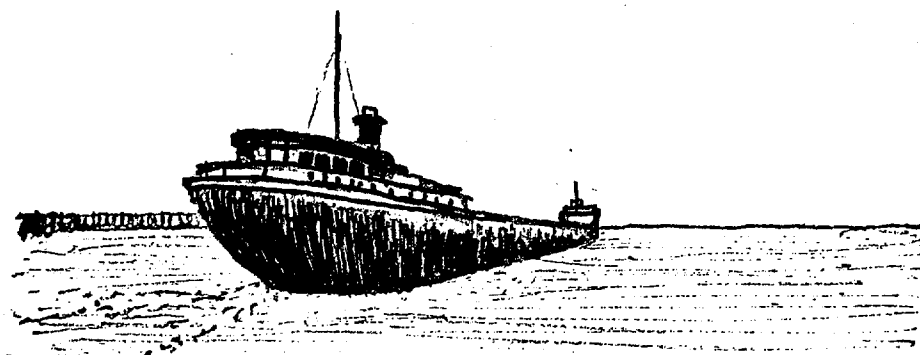
Note: Applications for the demonstration projects would continue to be accepted and reviewed at any time, following the initial period, but would be processed and evaluated on a first-come, first-served basis.

6. Reporting and Evaluation

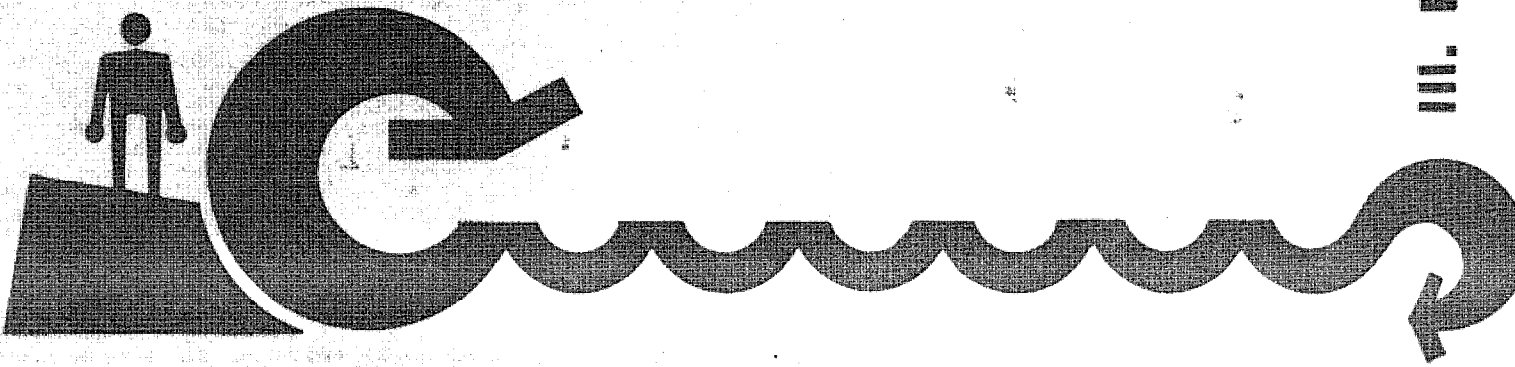
Each recipient will be informed that periodic reports will be required for all funded projects. In addition to the regular progress report, each recipient will be required to prepare a final report on the project as well as an evaluation of the project. It is recommended that a small staff technical committee be established to advise the Financial Assistance committee on progress and quality of projects.

The Financial Assistance committee would also prepare an evaluation and final report to the Council for each funded project. The committee would provide a recommendation concerning further dissemination of information and reports concerning financial assistance.





III. FEDERAL GOVERNMENT ACTIVITIES



A. OVERVIEW

One of the basic underlying concepts in Wisconsin's program proposal is to make government work better through a strengthened relationship between state and local government. The Coastal Zone Management Act of 1972 requires that the state-federal relationship also be strengthened by requiring federal agency activities to be "consistent with the state program, to the maximum extent practicable."

Wisconsin has requested federal agencies to identify their interest in the Wisconsin coast and has provided full opportunity for formal review of all program documents. (see Appendix I). Additionally several specific coastal issues have been addressed with excellent support from federal agencies, specifically shore erosion and the analysis of lake level regulation.

Land owned by the federal government will not be included within the coastal management area of the Wisconsin Coastal Management Program. However, actions conducted on federally owned lands which have a spillover effect on air, lands or waters in the coastal management area must generally be in conformance with the Wisconsin Coastal Management Program. The exception to excluded federal lands are the Bad River and Red Cliff Reservations, which are eligible for program assistance as defined in Chapter II. A list of federally excluded lands is reprinted in Appendix I.

Continued coordination with federal agencies will ensure that national interests are adequately considered in the management of the program. Coordination has and must continue to occur not only formally but on a working level as well.

The listing of those coastal related federal activities in which Wisconsin has an expressed interest can be found in Appendix I.

The following sections set out in more detail the questions of

1. the national interest in the Wisconsin coastal area and its relation to the program; and
2. the question of consistency of federal actions with the Wisconsin program.

B. THE NATIONAL INTEREST IN THE WISCONSIN COASTAL AREA

This program proposal recognizes that the Great Lakes are an important national, as well as state and local, resource. The natural, recreational, commercial shipping, and other benefits of Lakes Superior and Michigan extend beyond the boundaries of Wisconsin. The Coastal Zone Management Act of 1972 requires that a "management program provides for adequate consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, such state's coastal zone) which are necessary to meet requirements which are other than local nature." This section describes how Wisconsin has fulfilled the spirit and intent of this requirement in the development of its coastal management program, and describes the process that the program will employ to consider the national interest in the siting of such facilities during program implementation.

1. The National Interest in the Wisconsin Coastal Area

a. Commercial Navigation

There is a national interest in maintaining and enhancing the level of commercial navigation on the Great Lakes. The five Great Lakes and their connecting waterways and canals form a water highway 2,342 miles long from the heart of the North American continent to the Atlantic Ocean via the St. Lawrence River. The area served by Great Lakes ports contains 35 percent of the nation's population, and provides 44 percent of the gross national product. The dispersion of mineral resources, population, and industry, and the Region's lack of large sources of energy contribute to the great need for a complete and efficient transportation system. Continued regional growth and development is dependent on such a system.

The Great Lakes-St. Lawrence River commercial navigation system is a low-cost transportation facility that is essential to the economic vitality of the Great Lakes Region, and an important contributor to the national economy. Waterborne transportation requires less energy per ton-mile than any other form of transportation and creates little noise and air pollution. It also provides efficient means of transporting energy sources such as coal.

This navigation system is presently under used. There is a national interest in improving the efficiency of the present Great Lakes navigation system, including the facilities which are necessary to accommodate Great Lakes commerce.

A number of Wisconsin's ports and harbors have been declining or stagnating. For continued efficient operation, ports and harbors should be maintained to adequate depths both to allow oceangoing and lake vessels access to shore facilities and to allow efficient shipping capacities. In order to maintain a high volume of traffic passing through Wisconsin's Great Lakes ports and harbors, the transportation system and facilities must be highly efficient and economical. There is a need for some modernization to keep pace with cargo handling technologies. Other considerations include seaway tolls, competition from railroads, and the level of attention given Great Lakes concerns by the Maritime Administration.

The Duluth-Superior harbor is one of the most important in the Great Lakes and in the nation, shipping substantial amounts of iron ore, grain, and also scrap iron, coal, limestone, salt, steel products, and other products in both domestic and international trade. Federal expenditures at Duluth-Superior, particularly for maintenance dredging, have been high. The Wisconsin and Michigan coastal programs sponsored funding of an assessment of how to manage the twin ports in a comprehensive manner. Priorities for this area include extension of the navigation season, accommodation of supercarrier traffic, and disposal of dredge spoils in an environmentally safe manner.

Other major harbors in Wisconsin include Milwaukee, Green Bay, Kewaunee, and Manitowoc. Needs in these harbors include continuation of cross-lake car ferries, attraction of sufficient or additional traffic, and dredging to maintain adequate depths in an environmentally sound manner.

b. Energy

There is a national interest in the siting of certain energy facilities that are necessary to meet requirements that are other than local in nature in Wisconsin. Energy needs in the Great Lakes are closely related to the improvement of commercial navigation facilities, discussed above. Wisconsin has no known or projected production or reserves of oil, natural gas or coal. Coal is the major fuel for the generation for electricity in Wisconsin, as it is for the entire Great Lakes basin, and virtually all of the coal used in Wisconsin must be imported by rail or water. Recent federal legislation and the President's Energy Plan have expressed a national policy supporting the increased use of coal for energy production. The im-

provement and expansion of facilities in Wisconsin to carry out this policy are in the national interest.

Low sulphur western coal is presently increasing its share of the coal movement on the Great Lakes. Although shipments of eastern coal from the major coal ports of Lake Erie have declined within the last decade, electric utility demands for western coal spurred the completion in 1976 of a major coal transshipment facility in Superior. Reported to be the largest bulk handling facility in terms of cargo handled per unit time, the Superior facility is designed for an eventual transshipment capacity of 20 million tons per year. This facility could double the coal traffic moved on the Great Lakes. However the extent to which western coal traffic will increase depends upon the degree of conversion of existing facilities to western coal and the construction of new facilities for use of western coal.

Wisconsin has a limited refinery capacity (a small refinery in Superior) and no expansion is anticipated. One factor which might influence refinery development in the Midwest would be the piping of excess Alaskan crude oil to the region. There is a rather limited possibility that these pipelines could eventually bring between 700,000 to 1,000,000 bbl of oil daily into Minnesota. While such a development might necessitate the building of new refineries, it is more likely that the crude oil would either be piped to existing refineries operating below capacity or existing refineries would be expanded. Neither possibility is likely to have major implications for the Wisconsin coastal area in the foreseeable future.

c. Defense Facilities

There are no major defense facilities located in the Wisconsin coastal area (see list of federally excluded lands in Appendix I); in fact Wisconsin currently has the lowest per capita level of defense spending in the U.S. Any new defense facility would be evaluated in terms of its national and state importance.

d. Other Facilities in Which There May Be A National Interest

Although commercial navigation, energy and defense facilities are considered to be the most important categories of facilities in which there may be a national interest in Wisconsin, there may be a

national interest in the siting of certain recreational facilities or regional sewage treatment plants in the future. The only federal recreation area in the state's coastal area is the Apostle Island National Lakeshore. There are currently no sewage treatment plants serving multi-county areas; however, recent court decisions indicate that treatment levels for the Milwaukee metropolitan area may have to be more stringent than nearly all other cities in the Lake Michigan watershed.

e. National Interest in Coastal Resource Conservation and Protection

The requirements of the CZMA to consider adequately the national interest in the planning for and siting of facilities which are necessary to meet other than local requirements must be met within the context of balancing a national interest in these facilities with other national interests related to coastal resource conservation and protection. In the Great Lakes, water quality is of paramount national and regional concern. The Great Lakes contain approximately 20% of the world's fresh water. Both Lakes Michigan and Superior have very high water quality, with the exception of heavy pollution in the near shore area of the southern end of Lake Michigan. Great Lakes water quality problems have received national attention under provisions of the Federal Water Pollution Control Act of 1972, and recent efforts in Congress to amend the 1972 Act would strengthen the Federal effort to ensure protection and enhancement of Great Lakes water quality. The national interest in planning and siting of energy facilities, facilities to improve commercial navigation, and other facilities in Wisconsin must be balanced against the national interest in preserving and enhancing the Great Lakes as national resources important for fish and wildlife habitat, recreation, commercial fishing and drinking water supply.

2. Consideration of the National Interest During Program Development

The Wisconsin Coastal Management Program has solicited statements of national interest from all relevant Federal agencies during program development, and these were fully considered in the formulation of this program proposal. The program initiated interaction with Federal agencies in early 1975 to delineate their specific programmatic responsibilities and authorities, and to solicit their comments on the developing program. Contacts with at least 25 federal agencies have been established on a formal and/or working level. Federal agencies that conduct their activities with one or more state agencies (e.g. EPA-DNR) have also been consulted through the state agencies. Federal agencies have received

copies of management program reports and budget requests, questionnaires and any additional materials they have requested for their review and comment. (See Appendix I). All substantive federal comments received relative to the coastal program to date have been given consideration and have been integrated wherever possible.

Wisconsin also participates in various interstate, regional and international bodies to consider problems common to the Great Lakes region which also have national interest implications. For instance, Wisconsin is represented on the Great Lakes Basin Commission, and actively participates on the GLBC's Standing Committee on Coastal Zone Management. Federal agencies are also represented on the GLBC and on the Standing Committee.

Wisconsin participates either formally or informally in several other bodies dealing with national or international issues. These include the International Joint Commission, the Upper Great Lakes Regional Commission, the Great Lakes Commission, and the Winter Navigation Board (particularly the Environmental Planning Task Force). The state also participates in federal agency ad hoc groups, such as the forthcoming Maritime Administration Great Lakes Cooperative Port Planning Study.

The Wisconsin coastal policies reflect the program's consideration of the national interest in the siting of facilities that are other than local in nature. Coastal policies on community development and economic development support orderly and balanced coastal development that is in the national interest by guiding the regulatory decision making on the siting of such facilities and by promoting balanced development through a variety of incentives, programs and technical assistance efforts. Commercial navigation, port development and improvement, and power plant or transmission line siting are among the key concerns of these policies (see pps. 30-37). The Wisconsin Coastal Management Program also ensures that resources that are in the national interest are adequately protected in these planning and siting decisions, and this concern is reflected in coastal policies on Coastal Water & Air Quality; Coastal Natural Areas; Wildlife Habitat and Fisheries; and Coastal Erosion and Flood Hazard Areas (see pps. 18-29).

Although the Wisconsin Coastal Management Program is not a physical siting program, the national interest has also been accommodated in that none of the facilities listed by OCZM as being other than local in nature and possessing characteristics in which there may be a clear national interest are unreasonably or arbitrarily restricted from locating or continuing present operations in the coastal area. The program has already identified power production and transmission lines, rural shoreland development, and major recreational sites as being activities of particular state concern and of regional benefit. Various methods will

be employed by the program to assure that these uses of regional benefit will not be arbitrarily or unreasonably restricted from locating in the Wisconsin coastal management area. (See discussion of activities of regional benefit in Chapter II.B.2.)

With specific reference to planning for the siting of energy facilities, Wisconsin is actively engaged in meeting the requirements of section 305(b)(8) of the Coastal Zone Management Act. The state's planning and siting decision-making process for new generating plants and transmission lines is set out in some detail in Appendix H (managed use number 2c). There is a ten year advance planning requirement for utilities and standards are set forth for Public Service Commission and Department of Natural Resources approval of applications for plant and transmission line construction. Of course, both the state and national environmental policy acts' provisions apply. There are no interstate energy plans applicable to Wisconsin that involve state government. Staff work is currently underway to analyze utility advance plans and their impacts on the coastal area, as well as looking at the impacts and adequacy of management of any other coastal energy facilities. This effort will specifically examine the national interest in energy (specifically examining federal laws and regulations, plans, policy statements and the coastal program's federal contacts' statements of national interest) and its relation to the Wisconsin program.

Meeting national and regional needs requires a commitment to acknowledging national values and needs in the coastal area. Federal agencies will have review and comment opportunities to express their agency concerns in the designation of geographic areas of management concern. Among the areas which are eligible for designation as GAMC's are those suited for water related economic development, future power plant sites, and areas of significant recreational value. The Wisconsin program will consider the national interest in designating these areas for special management attention and in providing financial and technical assistance to these designated areas. Other areas eligible for GAMC designation reflect the Wisconsin program's consideration of the national interest in resource conservation and protection, such as areas of significant natural, scientific or historic value, hazard areas, areas for preservation, and areas for restoration. The GAMC approach will enable Wisconsin to achieve a balanced consideration of the national interest in facility siting and in resource protection and conservation.

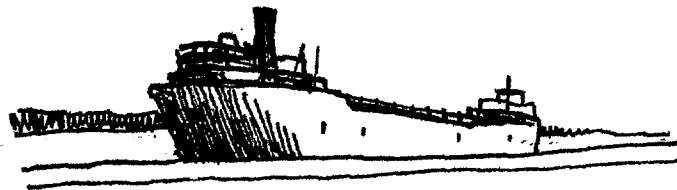
3. Process for Continuing Consideration of the National Interest During Program Implementation

During program implementation, the Wisconsin program will continue to consult with all relevant federal agencies and regional bodies and consider the national interest in making program decisions. In addition to this ongoing consultation process, the Wisconsin program will look to the following sources of information on federal policy that will be taken into account in implementing program responsibilities:

- (1) Policy statements from the President, as for example the National Energy Plan; the National Environmental Message and associated executive orders on wetlands and floodplains; the National Outdoor Recreation Plan;
- (2) Federal laws and legislation;
- (3) Statements from Federal agencies regarding national interests, including such statements as may be provided by NOAA;
- (4) Plans, reports and studies from Federal, State, interstate agencies or from interstate groups, as for example interstate energy plans;
- (5) Testimony from public hearings or other public input.

The Coastal Management Council will play a key role in establishing and maintaining a continuing consideration of the national interest in the planning and siting of facilities that are other than local in nature. The Council will have the ability to develop coastal policies on issues which involve the national interest. Through the provision of financial and technical assistance to state agencies and local governments, the Council will support projects or activities that meet both state criteria and address issues of national concern. As noted previously, GAMC categories have been established which reflect national interests in both facility siting and in resource conservation and protection. Council designation and financial assistance to these GAMC areas will carry out both state and federal objectives. The Council will also serve as a forum for informal resolution of conflicts among state agencies, or between one or more federal and state agencies. In its review of coastal plans and projects, the Council will evaluate these activities for compliance with the management program, including the requirement for adequate consideration of the national interest.

The program will also utilize several other ongoing processes to ensure consideration of the national interest during program implementation. The Wisconsin Environmental Policy Act, which is very similar to the National Environmental Act, requires the preparation of environmental and economic impact statements before a decision is made to conduct any major state action with a significant environmental or economic impact. State agencies are required to consult with and obtain the comments of any agency including a federal agency which has jurisdiction or special expertise with respect to the impacts involved, and a public hearing must be held to solicit further views. In addition, OSPE works with the DNR to review and comment on federal EIS's developed pursuant to the National Environmental Policy Act. State review and comment of other federal actions is required under the A-95 process and the Fish and Wildlife Coordination Act. (See Appendix H, III A.4) Federal consistency review by the Wisconsin Coastal Management Program will also provide an important opportunity for consideration of the national interest in the planning and siting of facilities.



C. FEDERAL CONSISTENCY-FEDERAL ACTIVITIES, DEVELOPMENT PROJECTS, GRANTS AND FINANCIAL ASSISTANCE

1. PROCEDURE

In an effort to avoid creating a new mechanism for review of

federal activities, development projects or grants and financial assistance programs that directly affect or result in a direct effect in the coastal management area will be reviewed through existing state and regional clearinghouse procedures (OMB Circular-A-95).

Federal agencies are requested to notify the State Clearinghouse of a proposed action affecting the coastal management area (15 coastal counties and Great Lakes waters) and provide a determination that such is consistent with the state program, to the maximum extent practicable. The State Clearinghouse will in turn notify the Coastal Management Council, affected state agency(ies) and regional clearinghouse(s). A 60-day review period will follow, starting from receipt of notice by the State Clearinghouse, resulting in one of the following actions:

- 1) Concurring with the determination.
- 2) Disagreement with the determination.
- 3) no response-presumed concurrence

2. Criteria

Evaluation of consistency with the Coastal Management program will be based upon the following criteria:

- 1) Is the activity consistent with state coastal policies (set forth in Chapter 1)?
- 2) Is the activity consistent with specific management policies for designated state managed GAMCs?
- 3) Does the activity allow for an opportunity for full public participation?

D. FEDERAL CONSISTENCY-ISSUING LICENSES AND PERMITS

The federal consistency provisions of the Coastal Zone Management Act extend also to the issuance of licenses and permits and a requirement that they be certified by the state as consistent. The following licenses and permits affecting the Coastal Management area will be subject to certification by the Wisconsin Coastal Management Program.

Department of Agriculture

- a) 16 USC 522, 523 Permits for water easements on National U.S. Forest Service lands (Forest Service)
- b) 16 USC 497 Permits for construction on U.S. Forest Service Lands (Forest Service)

US Army Corps. of Engineers

- a) 33 USC 403-404 Excavation and fill permits, construction in navigable waters (state permit required)
- b) 33 USC 1344 Dredge and fill permits (state permit required)

Environmental Protection Agency

- a) 33 USC 1251 Water Pollution Control (state permit required)
- b) 33 USC 1857 Clear Air (state permit required)

Federal Power Commission

- a) 43 USC 717 Construction and operation of interstate gas pipelines and storage facilities (state permit required)
- b) Hydroelectric Projects (state permit required)
- c) Power plant siting and transmission lines (state permits required)

Department of Interior

- a) 16 USC 3 Construction of Visitor facilities on National Park Service land (NPS)
- b) 16 USC 5 Rights-of-way for electrical transmission lines on National Park Service land (NPS)

Interstate Commerce Commission

- a) 49 USC 1(18-26) Railroad and Service Abandonment (State permit required for service abandonment)

Nuclear Regulatory Commission

- a) Siting and operation of nuclear power plants (State permits required)

Department of Transportation

- a) 33 USC 401 Construction and modification of bridges, causeways in navigable waters (US Coast Guard) (State permit required)
- b) 33 USC 419 Hazardous substances and materials (US Coast Guard) (State permit required)
- c) Construction of Airports (State permit required)

This listing is intentionally limited to those permits where the federal licenses may significantly affect the coastal management area. If it is found that the issuance of other permits and licenses cause significant impacts on the coastal resource, the consistency requirements will be applied by administratively adding them to the list above. If no state agency issues a corresponding state permit the Coastal Management program will conduct the review.

An applicant for a federal permit will be required to demonstrate to the federal agency that he has applied for and, before federal approval, received the necessary local and state approvals. The key to assuring that federal permits are consistent is to require that permits from local governments and state agencies are granted prior to the issuance of the federal permit. It is reasonable to assume that federal review will be concurrent with state review.

Public notification and, if necessary, a public hearing will be the responsibility of the state agency or local government granting the comparable permit.

Certification of consistency with the Coastal Management Program can be presumed upon receipt of the corresponding state or local permit. However, certification of consistency with the coastal management program will be issued by the Coastal Management Council to the federal agency when no other state agency issues a corresponding permit or license. The criteria in section III B. above will be used in such cases.

E. FEDERAL CONSISTENCY - REVIEW FEDERAL PLANS

Federal plans directly affecting land, air and water in the coastal management area will be submitted to the coastal management Program for review. The plan must be accompanied by a statement that each proposed activity, project or development which is described in the plan and affects the coastal management area is consistent with the Coastal Management Program, e.g. oil spill cleanup, U.S. Coast Guard. The statement should be accompanied by necessary data and information to support the agency's consistency determination.

The Coastal Management Program will use the same evaluation criteria and certification process described above when reviewing the federal plans. If a plan is found to be inconsistent with the Coastal Management Program, OCZM and the federal department will be notified of the conflict.

F. TRIBAL GOVERNMENTS

There are two reservations in Wisconsin with shorelands located on the Great Lakes. The lands of the Bad River and Red Cliff Tribes make up 27% of the Lake Superior shoreline. These Tribal governments play an important role in the management of the state's coastal areas.

Providing for Tribal governments' full participation in the coastal management program follows a national trend toward full involvement and self determination for Indians in all federal programs. In 1975, Congress passed the Indian Self Determination and Education Assistance Act, which provided for transition from federal domination of programs for, and services to, Indians to the effective and meaningful participation by Indian people in the planning, conduct, and administration of those programs and services.

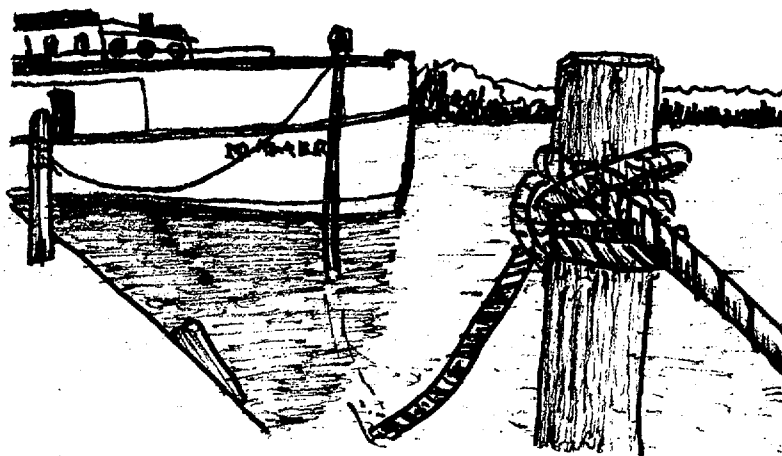
In February 1977, the Red Cliff Tribal Council formally requested full participation in the Coastal Management Program. As a result, the Wisconsin Coastal Coordinating and Advisory Council wrote the Office of Coastal Zone Management (OCZM) seeking changes to the federal Coastal Zone Management Act to enable full participation by Tribal governments. Recognizing the treaty relationships between tribes, as sovereign nations, and the federal government, the Council supported an effort to amend the federal Act (P.L. 92-583) to allow tribal governments to seek assistance directly from OCZM in the development and implementation of a Coastal Management Program.

OCZM policy with regard to Tribal governments has evolved in the following manner. Initially, OCZM policy provided that Indian tribes could be considered "local governments" and thus eligible to receive Section 305 (planning) and Section 306 (management) grants through state coastal management programs. However, the Coastal Zone Management Act Amendments of 1976 clearly defined "local government" in a way which excluded tribal governments. In an attempt to find ways to fund coastal management efforts in tribal areas, OCZM proposed a new policy in April 1977. This policy was to read the Act to permit a state to recognize a Tribal government as a "regional agency" and pass through funds on that basis. According to the Act, lands owned by the federal government are considered "excluded federal lands" and would not be covered by the coastal management program. Tribal lands held in-trust by the federal government would be considered "excluded federal lands" but would be eligible to receive both Section 305 and Section 306 funds for tribal program development efforts and/or for specific management projects.

The legal jurisdictional questions are a matter for the courts and not the state coastal management program. The objective of the Wisconsin Coastal Management Program is to improve coastal management, coordination, and capabilities. Therefore, the Wisconsin Coastal Management Program encourages full participation of Tribal governments in three areas: coordination, technical assistance, and implementation of Tribal management policies. More specifically:

- Coordination among state agencies and with local and Tribal governments will be achieved through the Coastal Management Council. The two Wisconsin Indian tribes with reservations in the coastal area will be invited to send representatives to the Coastal Management Council.

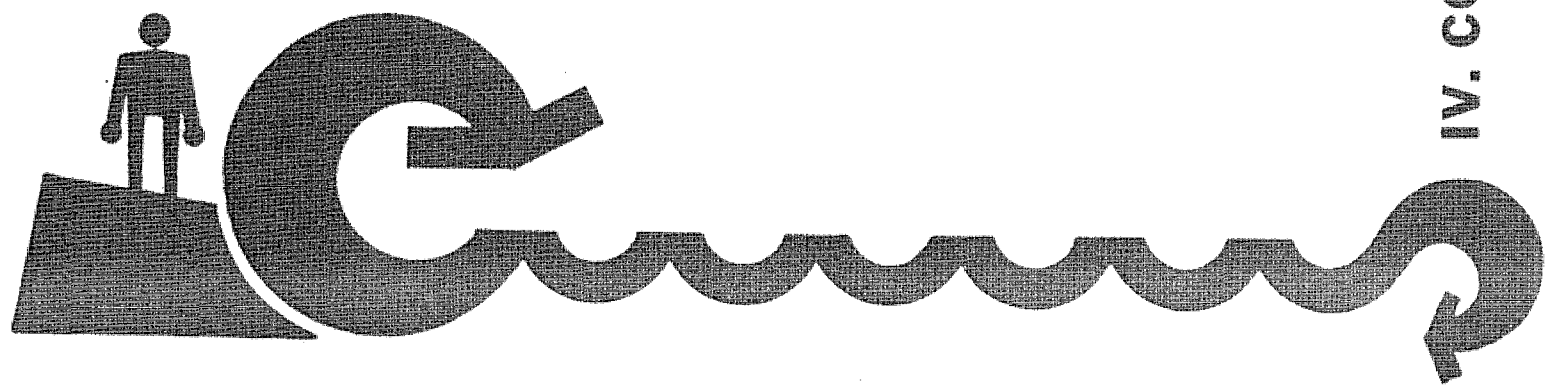
- Technical assistance will be provided to the Tribal governments in the same manner it is provided to other governments.
- Funds for implementation of the management policies on the reservations will depend on designation of lands within the reservation boundaries as geographic areas of management concern (GAMCs). The Tribal Council will follow the same procedures for nominating GAMCs as any other nominating agency of government. The entire reservation or a portion of the reservation can be nominated as an area of management concern. Then, just as other applicants, the Tribal Council must define a clear management policy for the area that is consistent with adopted coastal program goals, show that it has the ability or authority to carry out those management policies, and agree to carry out the policies.



G. SUMMARY

Upon approval of its Coastal Management Program, the Wisconsin Coastal Management Program will initiate a memoranda of understanding with federal agencies with regard to any comprehensive plans, activities and developments within the coastal management area. This memoranda of understanding would be utilized for institutionalizing policies and procedure for ensuring consistency between federal agencies and the coastal management program.

The Great Lakes Basin Commission Standing Committee on Coastal Zone Management will provide an additional mechanism for early identification of any federal activities, developments or plans that would affect the coastal management area.



IV. CONCLUSIONS

IV. CONCLUSIONS

For three years the Coastal Coordinating and Advisory Council looked, listened and inquired into citizen concerns on Great Lakes issues and about government. In addition to the changing of the location of Council meetings, three rounds of special meetings with local officials and citizens were conducted along the Great Lakes shoreline. The Council, by its own composition considered, the viewpoints of local officials, of state legislators and of state resource managers. The viewpoints of various coastal interests were continually fed in through an active Citizens Advisory Committee and regional citizens and technical advisory committees. Throughout this period the Council sought opinions on what Wisconsin should be doing to better manage its Great Lakes resources. This program proposal reflects a broad consensus as to the best approach for Wisconsin in improving coastal management.

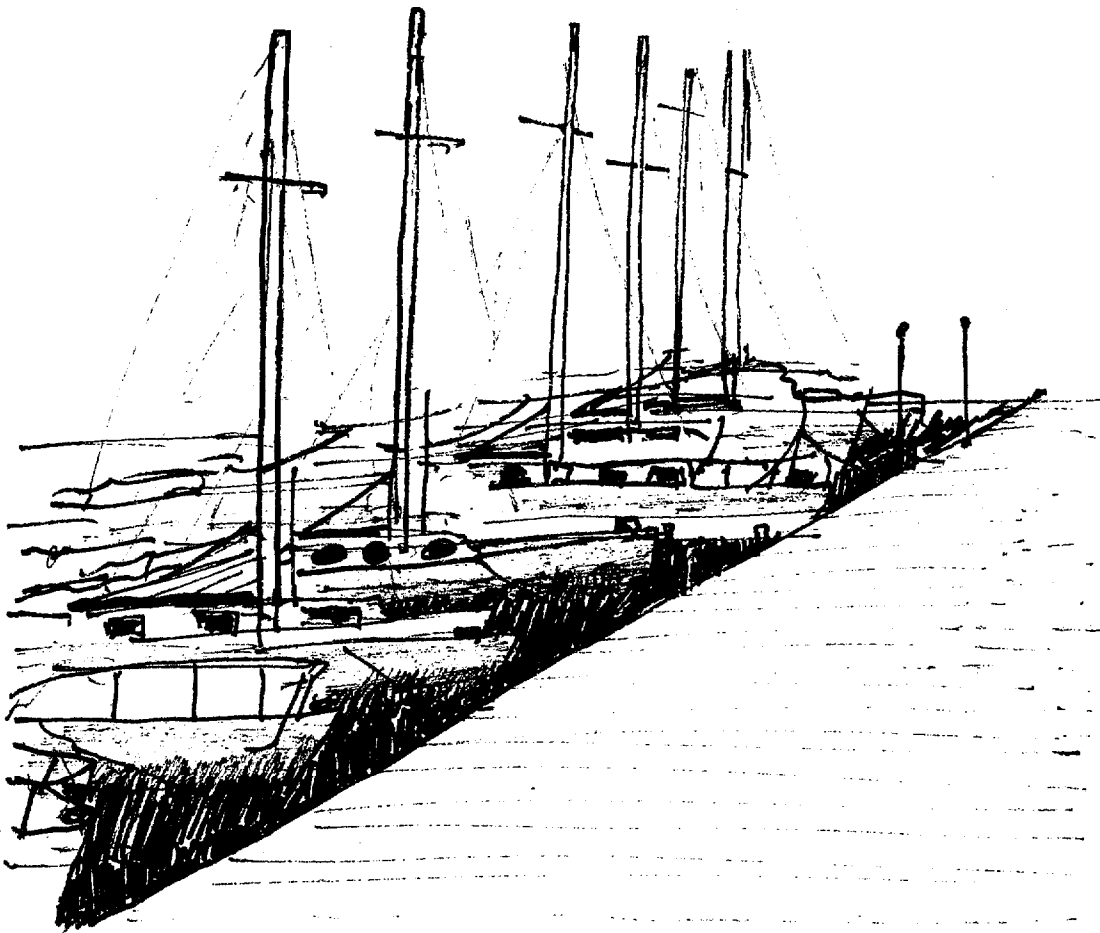
In general, existing state laws are adequate to manage the Great Lakes resource. The real needs are to make these laws work better; to coordinate the separate actions of federal and state agencies; to assist developing local capabilities to solve local coastal problems; and to develop a public awareness and strong advocacy for Great Lakes concerns.

To achieve these ends the state will create a new state-level body to guide these efforts, composed of state agencies' representatives, state legislators, a strong voice from local governments, a number of publicly oriented members and representatives of Tribal governments. Advised by a Citizens Committee, this body will use the financial assistance available through the federal act to improve coastal management.

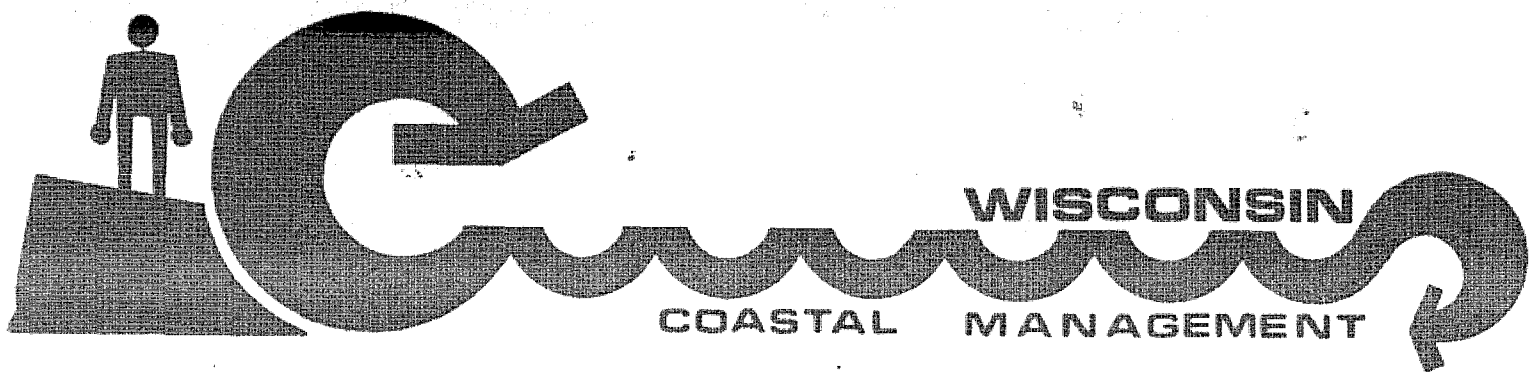
Coastal management is not only the responsibility of state government but local governments as well. The program proposal recognizes the need for a strengthened partnership between state and local governments, identifying as a state responsibility the need to assist local government in developing capabilities to address local coastal concerns.

What has been put together in this proposal is a program that is best for Wisconsin. Like the Great Lakes, the citizens of Wisconsin are unique as well. They are an independent lot, sometimes even stubborn; they are very concerned about the natural resources of the state, and they are concerned about "big government". During the past few years the Council continually heard statements against "another super agency" and in favor of "resolving coastal problems" and "advocating coastal concerns". This proposal has responded to these concerns and reflects the type of program that would work in Wisconsin.

The proposal is consistent with the interest of Congress in recognizing the unique and special character of the Great Lakes; in coordinating the state, local and federal effort, and in increasing the role of citizens in the decision making process. While Wisconsin's program is designed first for Wisconsin -- its citizens and its resources -- it also meets the spirit and letter of the federal coastal management act. With the support of federal and state funding, implementation of this program will improve Wisconsin's coastal management, a step that will benefit residents of Wisconsin and the nation.



PART III
ENVIRONMENTAL IMPACT
STATEMENT



PART III

ENVIRONMENTAL IMPACT STATEMENT

A. DESCRIPTION OF PROPOSED ACTION

This full document is both a draft environmental impact statement and a program document on the Wisconsin Coastal Management Program. The proposed action is approval of the Wisconsin Coastal Management Program which is explained in Part II. Part III completes the NEPA/WEPA requirements concerning the environment affected, probable impacts of the action and alternatives. A table cross-referencing NEPA/WEPA requirements with sections of this document may be found on Page 6 (Part I. C.)

B. DESCRIPTION OF THE ENVIRONMENT AFFECTED

Wisconsin has 156 miles of mainland coastline along Lake Superior and approximately 464 miles forming the western shore of Lake Michigan. Although only 15 of Wisconsin's 72 counties are coastal, (Figure 1), 43 percent of the state's population lives and works in these few counties. Millions of Wisconsin, Illinois and Minnesota residents annually enjoy the numerous recreational opportunities offered within these coastal counties. The following section outlines the natural environment of Wisconsin's coastal area and the importance this area has for Wisconsin and Midwest residents.

1. The Natural Environment

During the Ice Age a succession of glaciers ebbed and flowed across the Upper Midwest. The most recent glacial period, the Wisconsin, further deepened Lakes Michigan and Superior and left a series of unconsolidated deposits which comprise nearly all of Wisconsin's shoreline. Except on the Bayfield Peninsula and Door County where sandstone or limestone comprise the shore, the shoreline consists of highly erodible glacial till overlaying lacustrine deposits.

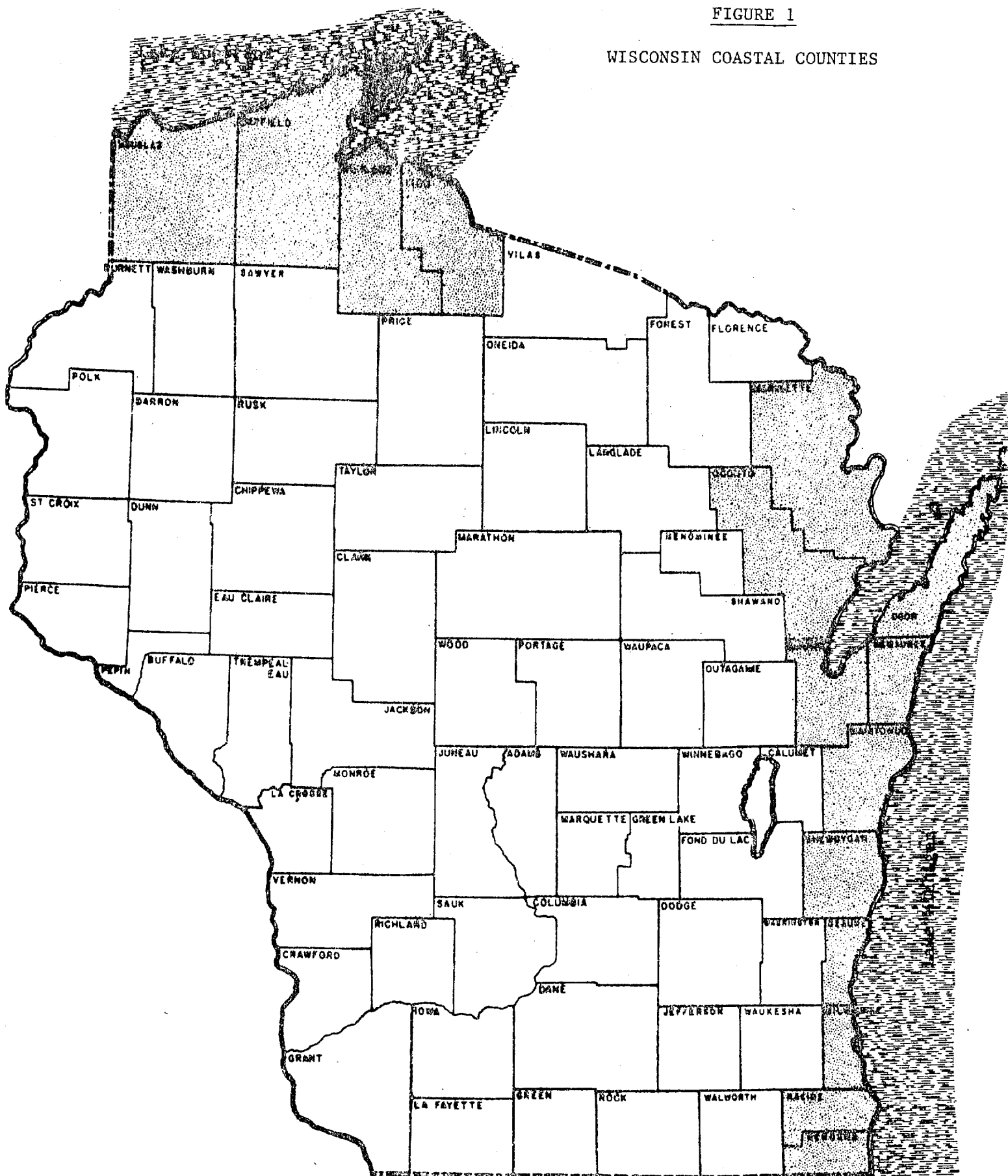
a. Wisconsin's Lake Superior Coast

Along the four Lake Superior counties, Douglas, Bayfield, Ashland, and Iron, the shoreline is a uniform 30-100 foot highly erodible bluff, varied only by small river and stream mouths, the broad, low Chequamegon Bay, the Kakagon slough, and the Bayfield peninsula. Twenty-two largely uninhabited islands extend from the peninsula and comprise the Apostle Islands. Most of the Lake Superior shoreline is covered with spruce, fir and northern hardwood forests, providing approximately 370,000 acres of wildlife habitat in the coastal townships.

Nearshore waters are relatively unpolluted except near urban areas and where shore and stream erosion of red-clay create high turbidity. An estimated 8,400 acres

FIGURE 1

WISCONSIN COASTAL COUNTIES



of fish habitat borders the Lake Superior shore. Allouez Bay at Lake Superior's western end, Bark Bay near Cornucopia, Fish Creek slough in Chequamegon Bay, and the Kakagon and Bad River slough provide approximately 12,000 acres of wetland habitat. Extensive inventories and assessments of Wisconsin's coastal wetlands, fish and wildlife habitat, and state designated and/or managed natural areas have been conducted as background for the Coastal Management Program.

Shoreline erosion and one of its causal factors, higher lake levels, have been primary concerns of citizens in the Lake Superior coastal area. Although nearly 25 miles of the shoreline (including islands) are subject to erosion or flooding, most of the property damages occur in the Duluth-Superior area. An estimated \$250,000 in erosion damages occurred along the Douglas County shoreline between 1972-1974, and property owners spent an estimated \$1.44 million for protective measures during that period. Lake Superior levels have fluctuated within a 3.8' historical range because of climatic changes. This oscillation has major impacts on the amount of dredging which is required, and the extent of shore erosion and flood damage.

Exploratory drilling has identified deposits of copper, nickel, gold, and silver under Lake Superior. Mining these minerals is currently not economically feasible.

b. Wisconsin's Lake Michigan Coast

Wisconsin's Lake Michigan shoreline extends from Marinette in the north to Kenosha in the south, and in between, the most notable feature is the Green Bay. The Fox and the Menominee Rivers empty into the bay, the former being the major cause of pollution in the bay. The Green Bay-Door County area has extensive wildlife and fish habitat, 304,000 acres and 5,700 acres respectively. Peshtigo harbor, the Ridges Sanctuary, and the Oconto Marsh are unique wildlife areas visited annually by over 30,000 people.

Except for the west side of Door County which is composed of Niagara limestone, the Lake Michigan shoreline is eroding, at some places 5 feet or more a year. Urbanized Racine County suffered an estimated \$2,580,000 in erosion damages in 1972-1974. Even greater losses, \$7,139,000, occurred from flooding in Brown County. Such losses have encouraged further investments in shoreline protection measures. Construction of seawalls, groins, and revetments, however, may encourage more homes and commercial buildings to be built in the hazardous area. Although in Door County the limestone bedrock reduces erosion damages, the inadequate soil

cover over this bedrock results in numerous septic tank failures--a problem compounded by the county's increasing number of second home owners.

Agricultural, urban, and forested lands comprise the Lake Michigan shore. Between the Illinois state line and Milwaukee the immediate coastal area is heavily urbanized. North of Milwaukee County agriculture is the predominant land use. Milwaukee and Green Bay are the largest of Wisconsin's twelve Lake Michigan cargo ports, in terms of commodity tonnages. Because the Lake Michigan and Green Bay area is the industrial-commercial center of the state, the coastal counties witness significant conflicts between transportation, recreation, residential, and agricultural land uses.

2. Socio-economic Aspects of the Coastal Area

a. Lake Superior

With less than 2% of the state's population, Wisconsin's Lake Superior coastal counties experience seasonal employment patterns and lower than average per capita incomes and property valuation. Logging and mining booms decades ago granted the region bursts of prosperity, but now the region emphasizes its potential for recreational activities. Aside from Superior, a major port for grain, coal and taconite shipments, the other local economies rely upon tourism, government employment, and some manufacturing, particularly of wood products. Fishing has not recovered from the damaging effects of the lamprey, over harvesting, and now trace metals and chemicals.

With few locational advantages, except for their recreation potential, the four coastal counties have experienced declining populations. Although the area's annual unemployment rate still exceeds 10%, since 1970 rapid population growth has occurred in several smaller coastal communities. Expansion in tourism and recreational home developments, small manufacturing firms, and the health care industry, have improved the region's economy.

The demand for coastal recreation takes many forms--shoreline cottages, condominiums, marinas, hiking trails, and others. Seven harbors containing nine marinas on Lake Superior provide less than half of the estimated number of boat slips needed by 1980. This demand for boating facilities occurs not only around the Apostle Islands National Lakeshore but in the Duluth-Superior harbor and elsewhere. Greater demand for public access to the coastal environment is evidenced by the 95% increase in visitation to Big Bay State Park, the Apostle Islands, and the Brule River State Forest between 1970-1975. The

State and local governments are deciding whether more public recreation facilities in the coastal area should be provided.

Only 8.6 miles of mainland shoreline (6%) are publicly owned, and another 48 miles of shoreline are within the Bad River and Red Cliff Indian reservations. Conflicts over multiple uses of public access facilities, the tax impacts of removing lands from local tax rolls, and the effects of future developments have and will increase. These problems and many others are related to planning economic development which is compatible with protecting the unique natural resources of the region.

b. Lake Michigan

The eleven counties bordering Lake Michigan are both urban and rural. Providing adequate public access opportunities, protecting significant historic sites, planning shoreline developments, improving water quality, erosion, and utility plant siting are issues facing Lake Michigan coastal residents.

Although about 41% of the state's population resides in these eleven counties, important population and economic shifts are occurring within the coastal counties. Population growth in the entire southeastern part of the state has slowed dramatically, and out-migration exceeded in-migration during 1970-1976. The cities of Racine, Kenosha, and Green Bay gained population during the early 1970's, but their metropolitan areas grew faster. In the City of Milwaukee the population declined by about 63,000 over the same period as businesses left the central city for the metropolitan area. Wisconsin cities bordering Lake Michigan all confront, to some degree, the issues of maintaining and increasing employment opportunities in the central city areas. Subsequently, there are good reasons for using land near the shore for commercial or industrial purposes. Port modernization and maintenance of the cross-lake rail and passenger car ferries are two additional issues related to coastal areas of Wisconsin cities.

Recreational related pressures on the coastal zone will be a source of conflict between different user groups. Coastal communities interested in enhancing the local economies through recreation and tourism will attempt to increase the likelihood that the visitor will spend money and time in the region. Increasing the number of establishments serving tourists and opening these accommodations to winter recreationists would enhance local economies but bring additional pressures on local water supplies, sewers, and roads. Providing housing and adequate roads for greater numbers of tourists involves satisfying local ordinances and state requirements, and either may pose unforeseen difficulties.

Attaining rights for the public's access to the shore is expensive and controversial. Shoreland property along Lake Michigan costs from \$30-100 a front foot. Such prices can make the public purchase of either title or access rights to coastal properties prohibitively expensive. Inland areas may be acquired more cheaply. Seventy-five miles (16%) of the Wisconsin Lake Michigan shoreline already are publicly owned. Public ownership of additional shore property often is assumed to raise local property taxes by reducing the local tax base. Recent studies of state-local fiscal relationships in Wisconsin indicate that this assumption usually is not justified particularly if eventual service costs for the land's improvements are considered. Other problems, such as increased noise, litter, and traffic, also may accompany development of more opportunities for public access to the shore.

c. Summary

Although coastal features vary among the counties, issues are often similar. Planning for and managing the local impacts of tourism and recreation, conflicts between shore-property owners and those seeking access to the lakes, erosion, and poor water quality are issues affecting most coastal communities.

3. The Institutional Setting

In Wisconsin, federal, state, county, town, and municipal governments all influence the use of the coastal area. On particular immediate issues coordination and communication between different governmental units occur readily, but some issues rarely have been addressed, such as erosion hazard area zoning. In addition, the policies of different levels of government may conflict with each other and lead to litigation--the Wisconsin Department of Natural Resources (DNR) and the U.S. Army Corps of Engineers disagreement over dredge spoil disposal is a ready example. Coordination between levels of government is not totally lacking, rather the problem is how to improve that process where necessary.

Coastal lands in Wisconsin fall within several state and sub-state jurisdictions. The thirty-three incorporated municipalities which adjoin Lakes Michigan and Superior have considerable home-rule authority to adopt zoning ordinances or alter the shoreline profile. Between the incorporated areas, coastal counties exercise the state mandated shoreland and floodplain zoning authority, general zoning authority, or sanitary codes. Unincorporated towns along the coast can veto the county's general zoning ordinances, but not the requirements imposed under the shoreland and floodplain zoning statutes. Although towns have the least home-rule authority, town boards have a major impact upon the type of coastal development which occurs through their adoption of town ordinances, review of individual plat decisions, and provision of public services.

Except for Ozaukee and Milwaukee counties the coastal counties have some county level land-use controls over unincorporated areas.* These controls generally consist of general zoning, shoreland or floodplain zoning, subdivision regulations, or sanitary ordinances. Appendix H identifies the status of these regulations. Under the Water Resources Act of 1966 the state required all counties to have a planning and zoning committee, a board of appeals, and a professional staff. This staff generally enforces the range of sanitary and zoning ordinances in the county, and can provide general planning assistance.

Three regional planning commissions provide technical assistance to county and local governments and represent local governments in selected state and federal policy deliberations. The Northwest Wisconsin Regional Planning Commission, the Bay-Lake Regional Planning Commission, and the Southeastern Wisconsin Regional Planning Commission assist counties and local governments with housing, transportation, land and water resources, and economic development planning activities. While the commissions are only advisory, their technical expertise, A-95 clearinghouse functions,** and interaction with state and federal agencies can provide valuable services to state and local governments.

The roles of existing state agencies are discussed in Chapter II B of Part II. Federal government activities affecting the coastal area also are described in the previous section.

*Milwaukee County has no unincorporated areas and Ozaukee County uses sanitary codes to guide development.

**For the counties of Sheboygan, Manitowoc, Kewaunee, Door, Oconto, and Marinette the Office of State Planning and Energy coordinates the A-95 review procedures. Brown County is a separate A-95 clearinghouse.

C. PROBABLE IMPACTS OF THE WISCONSIN COASTAL MANAGEMENT PROGRAM

1. Introduction

Wisconsin's proposed Coastal Management Program is not a specific physical project. Rather, the objective of the proposed program is to improve the way coastal resources are managed. This impact assessment identifies selected impacts of the Coastal Management Program policies on: air and water quality; natural areas, wildlife habitat and fisheries; coastal erosion and flood hazard areas; community development; economic development; government inter-relationships; and public involvement. Each of these policy areas will be examined separately and for each issue the current situation, the estimated result of the Coastal Management Program, and the probable impacts of the program will be discussed. For a more extensive discussion of the issues and existing state policies, refer to Part II, Chapter I.C.

The Coastal Coordinating and Advisory Council has incorporated concerns addressed by the Wisconsin and National Environmental Policy Acts (WEPA and NEPA) into the program proposal as policies to judge actions by and as procedures for designating GAMCs and making budget decisions. Environmental, social, economic, and institutional concerns have been incorporated into the program proposal goals and statements of policy in Part II, Chapter I. The Council believes that existing WEPA and OMB Circular A-95 review processes plus review by the proposed Coastal Management Council of coastal related funding requests and agency policies can fully include WEPA and NEPA concerns in the Coastal Management Program. As the proposal indicates, the program will rely partly on current activities of Wisconsin state agencies to address concerns expressed in NEPA and WEPA (see Table 7, printed at the end of Part III).

2. Impact of the Proposed Program on Water and Air Quality

The generally good water quality of Lakes Michigan and Superior is impaired by isolated discharges of municipal and industrial wastes and nutrients, plus inorganic compounds in the surface runoff. Air quality in the coastal area is also generally good, but precipitation remains a major source of the water pollutant polychlorinated biphenyls (PCBs). Wisconsin and neighboring states are pursuing programs to reduce the inflow to the lakes of nutrients and toxic chemicals, particularly those that are concentrated by organisms, but considerable work remains in all phases of these pollution abatement programs. To complement the ongoing effort on these issues, the Wisconsin Coastal Management Program will undertake the four program activities identified on page 23. Impacts of three of these activities are addressed below:

- a. (1.17) The Wisconsin Coastal Management Program will perform advocacy functions in monitoring and reviewing changes and additions in water and air quality programs and regulations which impact on coastal resources or people.

Currently, there are numerous issues for which a single voice at the local, state, or federal level will encourage faster resolution of the problem. Examples of such issues include: the level of federal funding for non-point pollution control efforts, a possible ban on phosphorus laundry detergents in the Great Lakes Basin, research into the Great Lakes littoral drift patterns, and ozone concentrations along the southern shore of Lake Michigan. Such issues now are being addressed to a limited extent by state or federal agencies, the State Legislature, or Congress.

The objective of the program's advocacy role is to heighten the awareness of the public and governmental officials to the uniqueness of Great Lakes resources as compared with Wisconsin's 10,000 other lakes. This uniqueness is reason to encourage more prompt attention to coastal issues.

It is difficult to separate the impact of the Coastal Management Program's advocacy role from that of others. The effectiveness of such advocacy depends upon the timing and merit of the program's expression of concern. For example, the program could identify at an early date why a potential source of air pollution should meet certain emission standards (Policy 1.15). This assessment concludes that the net impact of the Coastal Management Program's advocacy role toward air and water quality issues will be an increased awareness by federal or state agencies and the public that certain coastal issues are important to Wisconsin and deserve more prompt, thorough, or circumspet resolution.

- b. (1.18) The Wisconsin Coastal Management Program will support public awareness and research of (1) factors affecting Great Lakes water quality and supply, with emphasis on the translake shipment of oil and other energy resources; (2) the unique climatic characteristics and limitations of coastal air resources; (3) air as a transmitter of pollutants to Great Lakes waters; and (4) the impact of noise on the natural, cultural, and social environment.

As authorized under the federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, and the Safe Drinking Water Act of 1974, P.L. 93-523, the Wisconsin DNR and the U.S. EPA currently are addressing statewide water supply and water quality issues. These programs have not yet addressed the impact on Great Lakes water quality of possible oil spills occurring during transfer or shipment. Existing state and federal air quality management programs have given insufficient attention to the uniqueness of the coastal air resources. Knowledge about the interactions between land and water air masses is extremely limited, but important if the state is to implement the Clean Air Act of 1970. Another issue which is currently receiving insufficient state and federal attention

is the role precipitation plays in water pollution. An estimated 25-50% of the PCBs entering the lakes may have precipitated from the air. These examples illustrate how existing resource management programs and the public's awareness could benefit from additional basic information.

One objective of the Wisconsin Coastal Management Program is to support research into such air and water quality issues and publicly distribute the results. For example, a specific objective of the Coastal Management Program may be the identification of the role precipitation plays in water pollution or the effects of interacting land and water air masses on coastal air quality. Another specific objective could be to help the Wisconsin DNR identify the sources and impacts of pollutants discharged by tributary streams.

Such research could encourage government water pollution control programs to more effectively control the burning or discharge of potential air and water pollutants, as noted in Policies 1.5 and 1.16 (pp. 22-3). The program could also help assess the amounts of phosphorus reaching the lakes from urban stormwater which furthers the state's phosphorus discharge control program (Policy 1.7, p. 22). Subsequent distribution of such research would improve the public's understanding of environmental protection programs. In summary, the Coastal Management Program's support of additional research and emphasis on public awareness of coastal issues could improve the management of air and water resources by strengthening existing regulatory programs.

- c. (1.20) The Wisconsin Coastal Management Program will provide financial assistance to improve implementation and enforcement of existing water and air quality programs where gaps or weaknesses are identified, with emphasis on (1) on-site waste disposal; (2) disposal of hazardous substances; (3) disposal of dredge spoils; and (4) coordination and air quality monitoring.

Currently, state agencies and citizens have identified gaps and weaknesses in Wisconsin's existing air and water quality management programs specifically relating to the use of on-site waste disposal systems and the disposal of hazardous substances and dredge spoils. For example, scientists have developed improved methods of on-site waste disposal which do not require a traditional septic tank and leaching field system. Many septic tank systems are currently inadequate because of poor soil or geologic conditions and improper maintenance. The new methods of on-site waste disposal could effectively remove the de facto growth control measures provided by local sanitary codes. Because of poor soils for septic tanks, the coastal area is a prime target for developers using the new on-site waste disposal systems.

Currently, the disposal of hazardous substances, particularly industrial waste, is too often performed without adequate knowledge of subsoil conditions and the potential for leachate to drain into the Great Lakes. The issue of dredge spoil disposal exemplifies the differing approaches of state and federal agencies in the management of the coastal region. The State of Wisconsin bans open-lake disposal of any dredge spoil based on the state statute's definition of dredge material as a pollutant. Subsequently, communities must find suitable on-land disposal sites for the dredged materials. Alternatively, the federal government contends that dredge spoil is not polluted unless concentrations of certain elements exceed prescribed limits. The Corps of Engineers believes that the open-lake disposal of unpolluted (as defined by federal standards) dredge spoil is permissible. This is an example of where informational gaps and differing analyses have caused a problem. If harbors are not dredged, their commercial use is limited. At the same time, the EPA admits that there is inadequate information on how to classify the pollutant levels within dredge spoils and the relative costs of on-land and open-lake disposal methods.

Objective 1.20 of the Coastal Management Program is to assist state, local, and federal officials to resolve such issues by funding research on selected problems. Program funds could monitor the issuance of on-site waste disposal permits in the coastal area or aid communities to identify suitable on-land sites or alternative uses of dredged materials.

The impacts of monitoring permits for on-site waste disposal systems could enable local governments to revise their sanitary codes to ensure proper operation and maintenance of such systems. This is entirely consistent with the state policy on siting of disposal fields near waterways (Policy 1.13, p. 22). The net effect of the Coastal Management Program's involvement in the dredge disposal issue could be the development of a process through which dredging may occur with minimal adverse effects on the environment and incur the least cost to all concerned (Policy 1.4, p.21). Commercial shipping through Wisconsin harbors could remain profitable and the port economies made more viable by the program's activity.

3. Impact of the Wisconsin Coastal Management Program on Coastal Natural Areas, Wildlife Habitat and Fisheries

Of the five program activities related to natural areas, wildlife and fisheries, impacts of the following four are discussed: (1) the accelerated collection of data on soils, geologic conditions, hydrology, etc. (2.15); (2) identification and designation of areas of significant natural or scientific value (2.16); (3) the implementation of specific policies for the designated areas (2.17); and (4) improved implementation and enforcement of existing programs where gaps or weaknesses have been identified (2.18).

- a. (2.15) The Wisconsin Coastal Management Program will support the accelerated collection of data on soils, geology, hydrology, aerial photography, and other topics where needed for coastal management decisions.

Resource management issues, the range of management options, and possible results of such decisions cannot be completely identified unless data are available and analyses are conducted. Currently, Wisconsin lacks aerial photography to thoroughly assess coastal wildlife, funds to define fisheries' boundaries, and soil surveys for zoning decisions pertaining to natural areas.

The objective of this program activity is to provide the technical information necessary to make resource management decisions. Because the type of management proposed for a natural area or wildlife habitat frequently limits the options of other potential users, the credibility of any management program requires adequate baseline information. The Coastal Management Program is continuing its accelerated data collection on: (1) the distribution and relative abundance of fish species in Lakes Superior and Michigan, (2) the fish and wildlife of Superior's harbor, (3) aerial photography for habitat assessments and recession rate measurements, and (4) soil mapping in the four Lake Superior counties.

The program's funding of research on fisheries could further the state policy of maintaining the fisheries (Policy 2.11, p. 27) by improving information on fish stocking practices, daily catch limits, and lamprey eel control measures. The Coastal Management Program's funding of accelerated data gathering by the State Scientific Areas Preservation Council already has enabled this group to accelerate its identification and designation of such coastal sites (Policy 2.1, page 25). Past support of soil surveys and topographic mapping have already augmented local decision making. In summary, the net effect of this program activity will be incremental improvements in such state policies toward natural areas and habitat.

- b. (2.16) The Wisconsin Coastal Management Program will support local and state agency efforts to identify and designate areas of significant natural or scientific value and develop specific management policies for each area.

and

- (2.17) The Wisconsin Coastal Management Program will provide financial and technical assistance to state and local agencies to implement the specific management policies for these designated areas.

Because the identification of geographic areas of management concern (GAMCs) entails not only their identification and designation but also a provision of sufficient technical and financial assistance to develop management programs for these areas, these two activities are considered jointly.

The state currently designates and controls uses within selected sites which have particular value as scientific areas (Policy 2.1). In addition, the state establishes state parks based upon criteria for an area's value as a public recreation or educational site (Policy 2.2). Certain wildlife areas, trout streams, and forests also are managed by the state (Policies 2.6, 2.8, and 2.3). At the local level communities identify certain areas as unique resources and manage them as local recreational or natural areas. Presently coastal areas must compete with other locations for the public's resources, and certain issues related to natural areas remain unresolved. Management programs for the Great Lakes fisheries have not resolved controversies between sport and commercial fishermen. Public access to the shoreline sometimes has been limited by local government decisions and actions of private property owners.

Through activities 2.17 and 2.18 the Coastal Management Program intends to fund local and state efforts to identify and manage geographic areas of management concern. The program's objective is to encourage communities or agencies to designate and manage certain areas for their wildlife habitat, archeological value, uniqueness as a recreational area, or other unique features. A specific example of the Coastal Management Program's potential impact would be to encourage the state to place higher priority on locating state parks near urban areas. This would increase the number of state parks near the urbanized coastal area and is entirely consistent with the state policy on parks (Policy 2.2, p. 25). Emphasizing the identification and improved management of GAMCs will likely lead to the improved management of state designated trout streams (Policy 2.8, p. 26). Already the Bad River Indian Reservation has requested designation of the Bad River area as a GAMC. Such designation and subsequent funding by the program would enable the tribal government to improve the management of the tribe's fishery. One possible problem to be considered is if the Coastal Management Council should decide to support such activity by the tribal government, whether this may further antagonism between the tribe and sport or commercial fishermen.

Designation of such areas will help to ensure that the local or state managing agency has developed visible guidelines for the area's use. The Coastal Management Program's emphasis on improving the management of select coastal areas will reduce the chance that significant coastal resources are irretrievably lost because of poor or nonexistent management policies.

- c. (2.18) The Wisconsin Coastal Management Program will provide financial assistance to improve the implementation and enforcement of existing programs which manage uses with a significant impact on the coastal environment where gaps or weaknesses are identified. (See II. B.2). Particular attention would be given to Great Lakes fisheries resources, coastal wetlands, and other natural and scientific values.

Although Wisconsin has numerous state and county programs which address the development of wildlife habitat or fisheries and the preservation of coastal areas, information is lacking on fish habitat and fish populations and the value for wildlife of certain coastal wetlands such as the Bark Bay area along Lake Superior. Because existing state and federal programs inventory natural areas and design management programs throughout the entire state, the management of certain coastal resources has received less priority. This problem has meant, in certain cases, that the public's interest in a coastal wildlife or natural area has not been defined. Although the state instituted a model shoreland and floodplain zoning program a decade ago, in some instances local enforcement efforts have been thwarted because of inadequate assessments of the resource base or a limited amount of technical assistance from the state to the localities.

The end product of the Coastal Management Program's funding to improve existing programs is a better definition of the public's interest in certain key natural areas. Funds from the Coastal Management Program will permit greater emphasis on coastal issues without detracting from inland concerns. The net effect of Coastal Management Program funding will be the improved implementation and enforcement of existing programs. For example, coastal program funding of enforcement personnel and equipment could assist the state in regulating fishing in state fish refuges (Policy 2.12, p. 27).

4. Impact of the Wisconsin Coastal Management Program on Issues Related to Coastal Erosion and Flood Hazards

Shoreline residents in Wisconsin have identified coastal erosion as a major issue which the state's Coastal Management Program should address. Loss of land, buildings, roads, and historical sites, increased turbidity and sedimentation, and periodic flood damages in low lying areas have been identified as issues of public concern. The Coastal Management Program has identified three means of addressing these problems: (1) advocate the state's concern at the federal level with respect to programs of the Flood Insurance Administration and the U.S. Army Corps of Engineers, (2) support research and public education on hazard areas, and (3) assist local and state efforts to identify hazard areas and develop management programs with them. The latter two program activities probably will have the most significant impact on the environment.

- a. (3.7) The Wisconsin Coastal Management Program shall support research and public education on the dangers associated with these hazards in the form of technical analyses of data and recommendations for structural and nonstructural alternatives to alleviate erosion impacts, coordinating fully with the UW-Sea Grant College Program, the Wisconsin Geological and Natural History Survey, the Department of Natural Resources, and Soil and Water Conservation Districts.

Currently, Wisconsin lacks information on recession rates on Lake Superior, the processes of slope failure, and the role of littoral drift in supplying sand to particular reaches of the coast. For many years the Wisconsin Department of Natural Resources in conjunction with the U.S. Army Corps of Engineers has regulated the location, size, and type of shore protection measures property owners could install below the ordinary high watermark. Communities seeking to identify hazardous coastal areas and guide the development that occurred in these areas have not had the technical information on recession rates, flood stages, and bluff stability with which to implement non-structural erosion control measures. Counties and communities have expressed an interest in having more information on the type of structural measures best suited to a particular area. Even when the Corps of Engineers provided such information, local governments frequently have not used this data.

The objective of the Coastal Management Program's funding of recession rate studies, the economic and technical feasibility of alternative structural erosion control measures, and monitoring bluff stability at selected locations, is to abate injury and damage caused by shore erosion. If this additional information is used in platting subdivisions and locating structures and roads, property losses attributable to coastal erosion and flooding could be reduced, which is entirely consistent with state policy 3.4 (p.30). Provision of more complete or reach-specific information on the type of structural measures to retard erosion could further the state policy of regulating the materials used for shore protection (Policy 3.4, p.30). To the extent the Coastal Management Program provides technical information otherwise available to shore property owners only through a private consultant, the program increases the incomes of shoreline residents.

- b. (3.8) The Wisconsin Coastal Management Program shall support local and state efforts to identify and designate hazard areas as areas of special management concern and develop specific management policies for each and shall provide financial and technical assistance to local and state agencies to implement those policies for designated areas.

As noted above, Wisconsin currently lacks effective programs to reduce the property losses, shoreline debris, and degradation of the shore's aesthetic value resulting from coastal erosion and flooding. The shoreland or floodplain zoning programs have not been applied effectively to the coastal erosion issue. A lack of technical information and assistance to local governments has further limited the extent to which communities have designed erosion and flood damage prevention programs. In only a few localities do local ordinances specifically seek to reduce erosion and flooding losses.

The Coastal Management Program's efforts to improve the local and state management of hazard areas should reduce property losses, the accumulation of debris on the shoreline, and protect certain recreational access points and beaches. This activity of the program could encourage local governments or the state to better incorporate hazard area management into either the shoreland and floodplain zoning ordinances or other regulations (Policies 3.1 and 3.2, p. 30). If the program's activity reduces the amount of development occurring in hazardous areas, it will contribute to an increase in property values in non-erodible areas. Alternatively, if a community determines that the value of the hazardous area warrants the cost of structural shore protection measures, property values in hazardous areas could increase. In summary, the Coastal Management Program's support for the improved management of hazardous areas will result in a more thorough definition of the state's interest in the coastal erosion and flooding issue.

5. Impacts of the Wisconsin Coastal Management Program's Activities Relating to Community Development

The state's concern for community development includes a wide range of issues--guiding growth in coastal communities, restoring blighted areas, and providing opportunities for public access and use of the coastal area (Part II, Chapter I.C., pp. 32-5). Currently, many state programs address community development issues. The shoreland zoning program, state restrictions on the creation of subdivisions, and the community assistance and housing programs of the Department of Local Affairs and Development address some of the concerns of coastal communities. Although these programs have been partially effective, respondents to the Coastal Management Program's public opinion surveys have identified the need for additional community assistance in order to address coastal issues. The Coastal Management Program has identified four ways of meeting some of these concerns, and the impacts from three of these activities are discussed below.

- a. (4.14) The Wisconsin Coastal Management Program will support local governmental efforts to identify and designate areas of significant natural, recreational, scientific, cultural, or historic value and develop specific management, preservation, or restoration policies for each area with emphasis on recreation access and blight. This effort will be coordinated with the program referenced in Policy 4.4

and

(4.15) The Wisconsin Coastal Management Program will provide financial assistance to local governments to implement the specific management policies of designated areas.

Currently, local governments on their own initiative may identify and designate areas of significant local concern. As funding and staffing permits, the three coastal regional planning commissions, county planning and assistance groups, and various state agencies may assist local governments in developing general land use, economic development, and housing programs.

Wisconsin's Coastal Management Program would not replace these existing institutions. Rather, the program seeks to increase the likelihood that local governments will address problems of the coastal area by designating certain coastal areas as geographic areas of management concern. The net impact of the Coastal Management Program's attention to community development concerns probably will be selected improvements in local management capabilities for the areas. The program's funding of the State Historical Society to identify and inventory the architectural, archeological, and other historic features of the coastal area has provided information which was not scheduled for collection until the 1980's (Policy 4.6, p. 34). Local designation of certain scenic areas as GAMCs and subsequent funding from the Coastal Management Program may enhance the state's aesthetic resources, particularly along state-designated Rustic Roads (Policy 4.7, p. 34). The program's encouragement of GAMC designation for areas of local or state concern could improve the chances that these areas will be eventually included into the state parks system (Policy 4.9, p. 34). In short, the program seeks to increase the priority of improving the way coastal resources are used. Within selected harbors, Superior, Green Bay, and Milwaukee, certain areas have been discussed as potential GAMCs because improved land use plans could establish priorities for how scarce and valuable waterfront land should be used.

Designation of GAMCs may heighten the priority which local governments assign to coastal issues, but could lessen the attention the local government gives to other areas. The availability of Coastal Management Program funds may improve the chances that the designated area receives the attention of other funding programs, for example from the Economic Development Administration, the Department of Interior, or regional planning commissions. Program funding could provide the added leverage necessary to obtain various intergovernmental grants or services. This emphasis on a coastal area may de-emphasize inland community development issues. Because intergovernmental grants frequently only provide a portion of a project's funding and because each funding agency tends to seek additional sponsors for a project, state and federal officials will be responsible for ensuring that non-coastal areas receive adequate attention.

- b. (4.16) The Wisconsin Coastal Management Program will provide financial and technical assistance to local governments to improve their coastal management capabilities, with emphasis on staff training, ordinance revision, data collection and analysis and county shoreland zoning.

As discussed above, many coastal communities have lacked the technical information on certain coastal issues to revise local ordinances and to provide additional staff training. The limited resources of local governments frequently are not sufficient to meet all community development concerns. Zoning administrators have expressed interest in more state assistance for ordinance revision and additional information on selected technical issues such as soils, hazard areas, and the environmental values of certain coastal wetlands.

The potential impact of this program activity will be to develop the capabilities of local zoning administrators, resource personnel, and elected officials. For example, during the 305 (d) grant period from October 1977- March 1978, the program will continue to fund the preparation of technical brochures and manuals pertaining to coastal issues for zoning administrators and appeals board members.

6. The Effect of Wisconsin's Coastal Management Program on Economic Development in the Coastal Area

In a 1976 study, Business Prospects Under Coastal Zone Management, the Real Estate Research Corporation identified the following categories of interest groups potentially affected by the coastal management program:

1. owners of affected properties
2. neighboring property owners
3. other property owners whose interests may be affected by the advantages or disadvantages conferred upon coastal area property owners by the program.
4. government bodies
5. the general public

Suggested accounting perspectives can incorporate a wide range of specific impacts such as--the generation of income from coastal resources, costs of providing roads, sewers, and other public services in the coastal area, employment opportunities, property values, and government costs and revenues. These impacts are important to consider, and the Wisconsin Coastal Management Program contends that the process developed to monitor coastal program activities through the WEPA process, A-95 review, and the Coastal

Management Council will enable such impact analyses to occur. Within this context the Coastal Management Program has identified eight potential activities through which it could influence economic development patterns in the coastal area (Part II, Chapter I, pp. 39-40). Of these eight activities, the potential impacts of five will be addressed.

- a. (5.14) The Coastal Management Program will seek to improve the coordination of policies which affect the economies of coastal areas.

and

- (5.15) The Coastal Management Program will seek to improve the implementation and enforcement of existing state regulatory and management programs which influence the economic well-being of citizens along the Great Lakes.

Current economic development patterns in the coastal area, as in other regions of the state, primarily reflect private investment decisions and the general tenor of the state and national economy. At the federal level there is little ability to fully coordinate the policies of all government levels which affect the coastal area. The Departments of Commerce; Housing and Urban Development; Transportation, and Energy individually exert some influence over the investments and policy decisions made by other agencies. At the state level, the Governor's Office is responsible for coordinating the business development, taxation, and public investment policies for the entire state. Local governments can use public services provision and zoning decisions to influence the type of economic activity which they desire. Practically, however, the private sector usually initiates investment, and local governments in the state react to rather than predetermine the economic activity of the coastal area.

With respect to the siting of electrical generating and transmission facilities the state has a power plant siting process which ensures the public of up to ten years prior notification and justification for new facilities. For other energy siting facilities, such as coal terminals, the state currently has less of a planning and coordination policy.

Within this context the potential end-result of the Wisconsin Coastal Management Program mainly will be to selectively coordinate and advise upon government policies affecting the coastal area. This coordinative activity will occur as the occasion warrants and use the federal consistency provisions of the Coastal Zone Management Act (Sec. 307). Over the past two years of program development the Coastal Management Council or staff have addressed such issues as state policies for the ports, location of electricity generating facilities in the coastal area, and recreation's impact on the coastal area.

Coordinating policies and improving the implementation of existing state management programs are designed to (1) identify and minimize the adverse impacts of private investment decisions, (2) design state programs which are consistent with state goals for higher incomes and lower unemployment, and (3) advise local governments or other interests of the statewide impacts of local, state, or federal policies.

The net impact of such coordination by the Coastal Management Program will be to increase the chances that business development policies for the coastal area are consistent with state tax programs and the provision of public services. The program's attention to providing recreational facilities in the coastal area, (Policy 5.4) and addressing port revitalization and competing land uses within harbors (Policy 5.8) could enhance the economic position of certain interest groups. Because there has been little evidence that the program will adversely affect incomes, property values, and employment opportunities, the public has not been concerned about these issues during the program development period. The public has identified a need for better coordination on the siting of energy facilities, particularly fossil fuel depots, and state promotional programs for recreation access and business development. Coastal Management Program funding to improve existing state management programs could help the Public Service Commission identify potential impacts of a coastal energy facility (Policies 5.10 and 5.12). The program's emphasis upon developing economically viable ports will further the state's multi-modal transportation planning (Policy 5.3, p. 37).

- b. (5.16) The Wisconsin Coastal Management Program will provide financial assistance to state and local agencies to implement the specific management policies of designated economic areas and improve the implementation of existing programs to broaden the economic base of communities with desirable diversifications of industry and to effectively manage coastal land and water resources which influence community development.

This broad program activity addresses the need for funding the development of management programs for GAMCs and to improve state programs related to specific uses of the coastal area. As outlined above and in Part II, Chapter I. C. (pp. 37-39), the state has specific and general policies relating to particular coastal areas and types of activities. Despite the expressed intent of the policies outlined in Part II. Chapter I.C.(pp. 37-39), the state lacks a consistent port policy, sufficient technical assistance to small businesses, and a set of mutually consistent economic development goals and programs. This current situation partly reflects a hesitancy upon the part of state government to alter a stable and productive economy. Nevertheless, certain local and state issues relating to the ports and local planning efforts to promote

business development, economic diversification, and public works investments have been identified as areas for which added funding is warranted.

The objective of the Coastal Management Program's funding of such local or state activities in GAMC's hopefully is to create more stable and diversified local economies, more jobs, higher personal incomes, and increased local fiscal capacity.

The program's incremental effect is the higher priority given to coastal issues. For example, under its 305(d) grant, the Wisconsin Coastal Management Program will fund a demonstration project by the Bay-Lake Regional Planning Commission to determine ways the interests of the Coastal Management Program can be integrated with the local overall economic development planning committee. The program will also partly fund an assessment of on-shore facility needs for continued commercial use of Milwaukee's inner harbor (Policy 5.3, p. 37). This work could lead to the eventual designation of the inner-harbor as a GAMC. Less local opposition may arise concerning a particular private or public investment if the coastal management, employment, and community development aspects of the project are jointly considered.

- c. (5.17) The Wisconsin Coastal Management Program will support local government efforts that consider in their coastal plans and programs the concept that waterfront locations be kept available for activities which need such locations and that unnecessary development not consume coastal resources particularly suited to other uses.

Currently, local planning programs do not specifically address the need to keep certain coastal areas available for business or recreational activities which require a coastal location. Land use patterns in many coastal communities exhibit instances where anticipated harbor facilities and in some instances residential buildings occupy lands more suitable for use as marinas or modern cargo handling facilities. Inadequate attention to guiding development so that lake access sites are reserved for water dependent activities can impair the expansion or diversification of the local economic base. Harbor frontage is a limited resource which warrants careful management by local governments.

The objective of the coastal management program's attention to reserving waterfront sites is the preservation of more flexibility for future use of the coastal area. Managing the coastline in such a manner may increase or decrease property values or incomes for those interests currently occupying the site. Rental potentials or purchase prices for inland site locations may be altered, and a potential redistribution

of income may be made from those currently using waterfront locations to those who can convince the local government that their use is dependent on a waterfront location and in the interest of the community. Preservation of waterfront locations is primarily a means of giving the community time to assess how its coastal area should develop. Other merits of such planning include lower prices for goods using the port and diversification of the local economy. Such local planning is consistent with the state's promotion of business and industrial development (Policy 5.1, p. 37).

- d. (5.20) The Wisconsin Coastal Management Program will support state and local government efforts to (1) identify and designate areas especially suited for water-related economic development and power plant sites approved through the power plant siting process of the Public Service Commission and (2) develop specific management policies for each.

As noted in the discussion of 5.17 local governments and the state do not have programs to predesignate areas for water-related economic development or power plant sites. The state, however, does require utilities to file advance plans as much as 10 years in advance of the construction of a generating plant. Local governments and the state are not designating certain areas for their potential use for power plants, grain elevators, coal handling facilities, etc.

7. The Effect of the Coastal Program on Governmental Relationships

The many and diverse interests of citizens and units of government suggest consideration and assessment of the Coastal Management Program's role in promoting communication, cooperation and coordination. Integrating various concerns is important at all levels of the management process, from goals to objectives, to policies, to programs. At the same time, attention must be given to simplifying regulatory processes, time spent on such processes, and avoiding duplicative efforts. The impact of these coastal management policies and programs must be evaluated with regard to Wisconsin state agencies, other Great Lakes states, local and tribal governments, and the federal government. In an attempt to measure the effect of the Coastal Management Program upon these relationships, the current situation and the expected outcome must be considered.

- a. (6.8) The Coastal Management Program will use existing review processes (A-95, NEPA, and WEPA) to ensure coordination of federal, state, and local policies and programs.

Currently, the A-95, NEPA, and WEPA processes seek to ensure that federal, state, and local policies are consistent with each other. Intergovernmental working relationships seek to resolve policy differences, but disagreements on certain issues such as dredging and tax policies remain.

The Coastal Management Program intends to create a Coastal Management Council composed of state and local officials. For federal-state relations the program will use the federal consistency provisions discussed on pp. 149-54.

The most important impact of the Coastal Management Program on government relationships will be to serve as a forum for addressing intergovernmental coastal issues. For example, the state is interested in promoting the recreation and tourism industry, but many local governments seek methods of determining what types of recreational development would be most suitable for the area. The dredging issue is another example of how the Coastal Management Program could serve as a forum for analyzing the state, federal, and local costs of alternative dredge spoil disposal methods. This would be entirely consistent with the state policy 6.7 (p. 42). Although several officials have expressed their beliefs that adequate coordination currently exists, state, local, and regional officials have remained involved in the program.

- b. (6.9) The Coastal Management Program will support tribal governments in their efforts in coastal management.

With respect to coastal management programs, the current status of tribal governments as proposed by OCZM in an April 1977 policy, (Section III. E, p.152) is that of a "regional agency." On this basis, tribes are eligible to receive Section 305 and Section 306 funds for efforts related to program development and for coastal management projects. Within the Wisconsin Coastal Management Program, the Bad River and Red Cliffs Tribes are encouraged to engage in coordination, assistance, and management activities. Specifically, Tribal governments are invited to send representatives to the Coastal Management Council, request technical assistance, and seek funds to implement management policies by applying for geographic areas of management concern status.

One of the intended results of supporting tribal governments in their coastal management efforts is to incorporate them in the decision-making process, where they have at times not been consulted. Including the Tribal governments in this process should facilitate the exchange of interests and ideas as well as increase mutual assistance among different levels of government. Another intention of the program is to promote the identification of tribal concerns and the implementation of their coastal management programs. Offering support to these governments for technical assistance and funds should enable the state to discover tribal needs, advise the tribes of similar management efforts, suggest factors which may be desired for the tribes' management plans and blend tribal and state management efforts to a more cohesive management of the coastal resources.

Potential effects upon governmental relationships of promoting the coastal management efforts of tribal governments may be greater than the intended results. Expanding the number of governments involved may reduce the time needed to resolve conflicts.

One possible impact is that the idea of providing a forum for state agencies, tribal governments, and substate governments to discuss their common interests as well as their conflicts might be adopted for other programs, hence further increasing communication and coordination between non-coastal tribes and government officials.

- c. (6.10) The Coastal Management Program will improve coordination with adjacent Great Lakes states and federal agencies with continuing programs affecting Lakes Michigan and Superior.

Currently, Wisconsin's working relationships with the federal government and Great Lakes states consists primarily of formal and informal interaction between administrative agencies. The Great Lakes Basin Commission, a state-federal coordinating body, charged with broad-range planning in the basin, has additionally served to coordinate federal and interstate activities. Wisconsin and the neighboring states of Michigan, Illinois, and Minnesota have at times worked independently in addressing Great Lakes issues.

The Coastal Management Program intends to improve the coordination between Wisconsin and neighboring states and the federal government. This would be accomplished by supporting the role of the Great Lakes Basin Commission and developing better working arrangements with adjoining states on common coastal issues and projects.

Federal consistency requirements of the Coastal Zone Management Act additionally require that federal activities relating to the state's coastal areas be consistent with the state's program. Common issues include fish management, erosion, shipping, car ferries, port development and others. The net effect of the Coastal Management Program might include the selective additional support of the state's participation in various federal studies addressing Great Lakes' issues, such as the Federal Maritime Administration's study of Great Lakes port issues. It could also include multi-state efforts at addressing common issues such as those indicated above, and an increased exchange of information between states and with federal agencies. Such interstate coordination on coastal issues may not have occurred in the absence of the program.

- d. (6.12) The Wisconsin Coastal Management Program will perform advocacy functions in seeking increased policy recognition of the Great Lakes in policy by all levels of governments with emphasis on the federal level.

The Great Lakes sometimes lack the full recognition of their importance to the nation. Because the Lakes are totally within states' boundaries, they are often given a secondary importance in some federal programs. While comprising over 90% of the surface fresh water in the U.S., only 2% of the federal water quality funds address Great Lake water quality problems.

Wisconsin is blessed with 10,000 clear fresh-water inland lakes which are highly used by citizens and vacationers. As a result, public attention is directed to them for recreational and economic reasons. The recent increase in excellent sport fishing in Lakes Michigan and Superior has drawn some increased citizen attention to the Great Lakes.

Heightening the priority given to Great Lakes issues at local, state, and federal levels is the objective of the advocacy function of this program. The intended result is to gain strengthened local, state, and federal support to address and better manage the Great Lakes resources.

The impact of such an advocacy activity could be a shifting of priorities at each of the governmental levels. Given a relatively fixed amount of manpower and dollars, a greater emphasis on the Great Lakes could mean a shift away from other governmental programs.

8. The Effects of the Wisconsin Coastal Management Program on Public Involvement in Coastal Resource Management Decisions

The Wisconsin Coastal Management Program has identified the need for (1) increasing public awareness and information on coastal issues and (2) improving and increasing the opportunities for citizens and interest groups to effectively participate in governmental decision-making on coastal issues. To these ends the Coastal Management Council has identified the need to pursue five activities (Part II, Chapter I.C.); this discussion addresses the impacts of three of these activities.

- a. (7.6) The Wisconsin Coastal Management Program will support public education and awareness of coastal issues and broadly disseminate program materials.

Currently, there are several state agencies, educational institutions, or sub-state agencies which support public education and awareness of coastal issues. The Wisconsin Department of Natural Resources, University of Wisconsin-Extension, the University of Wisconsin Sea Grant College Program, and the coastal regional planning commissions all provide to a varying degree information on coastal issues. Sea Grant and the University Extension are the major clearinghouses for research and technical information relating

to the Great Lakes. The DNR prepares technical reports on wildlife, fish habitat, and the environmental quality. The regional planning commissions provide a forum for information on local government issues and state policies affecting the coastal area.

The Coastal Management Program will seek to support the public education programs of existing agencies and distribute information and technical studies which the program itself prepares. The net effect of this activity will be not only a greater amount of technical and general information but also the wider or more thorough distribution of information. The public's interest in erosion hazards, economic activities and potentials of the coastal area, and in preparing better local management programs indicates that information on such issues is useful. This program activity has provided information on coastal recreation economics, lake level regulations, and coastal historical sites that probably would not have been otherwise provided (Policy 7.1, p. 44).

- b. (7.7) The Coastal Management Program shall create a broad State Citizens Advisory Committee, with independent staffing, to monitor program implementation and to develop, recommend and sponsor public information, education, and participation programs (see Section II C. Organization for further discussion).

As repeatedly emphasized in Part II of this document, the Coastal Management Program provides a forum for public involvement in coastal resource decision-making. While citizens can present their views to governmental officials, it is difficult to develop an ongoing program which keeps many interest groups informed of the many state, federal, or international activities affecting the coastal area. In the absence of an organization which addresses the interests of diverse public groups (environmental preservation advocates, fishermen, inland residents who use the coasts for recreation, local officials, port promoters, and coastal business interests), each interest group must individually address coastal issues as they develop and circumspection about related concerns is limited.

Although some interests will gain access to decision-makers regardless of the role of a Citizens Advisory Committee, the group's impact depends upon how well the group understands government processes. In its own right the Citizens Advisory Committee is designed to be a highly visible organization which provides information to interest groups and the general public and advises the Coastal Management Council.

The impact of a Citizen Advisory Committee of diverse interests is greater visibility of coastal issues to the general public and probable specific actions by individual groups to promote their special interests in the Great Lakes. Over the long term increased public awareness and involvement will lead to improved coastal management.

- c. (7.9) The Coastal Management Program shall provide appropriate forums to involve and educate citizens on projects and programs which have a significant or controversial impact on coastal resources; subject those projects and programs to public scrutiny and discussion; and make recommendations concerning such projects and programs to appropriate governmental agencies.

As previously emphasized, there is not a single mechanism in the state which specifically seeks to involve and educate citizens on programs or issues which affect coastal resources. The objective of the Coastal Management Program is to assist in providing forums for such involvement.

One example of how this activity can improve public awareness of a resource issue is the program's support for the dissemination of materials of an existing technical committee on coastal zone management of Racine County. This committee has prepared and distributed technical reports on bluff recession and periodically reports to the Racine County Board. Through the efforts of this group, Racine County is adjusting county regulations which better consider coastal erosion. The Coastal Management Program will also fund the preparation of training materials on dealing with coastal issues for the members of the local plan commission and zoning board of appeals. This information previously has not been available.

D. ALTERNATIVES TO THE PROPOSED ACTION

Given the nature of the proposed action, approval of the Wisconsin Coastal Management Program, all alternatives would involve a decision to delay or deny approval. Delay or denial of approval could be based on failure of the Wisconsin Program to meet any of the requirements of the Federal Coastal Zone Management Act (CZMA). In approving a CZM program, affirmative findings must be made by the Associate Administrator for Coastal Zone Management on over twenty such requirements.

In the course of development of the Wisconsin program, several potential deficiencies were identified. These deficiencies have now been corrected to the satisfaction of the Associate Administrator, who has made an initial determination that Wisconsin has met the requirements for approval under Section 306 of the CZMA. In order to elicit public and agency comment and assure that the Associate Administrator's initial determination is correct, this section identifies three areas where deficiencies were found and considers alternatives of delay or

denial based upon each. Before examining the three alternatives, the following section identifies the generalized impacts that would result from delay or denial on any basis.

The generalized impacts of delay or denial of approval of the Wisconsin Coastal Management Program, regardless of the basis of delay or denial, are as follows:

- (1) Loss of Federal monies to administer the program. Under Section 306, Wisconsin would receive approximately \$1.2 million per year to administer its coastal management program. Most basis to a loss of Federal funds will be inability of the state to pursue the basic overall program objectives that Wisconsin has laid out in Part II, Chapter 1.B, and the coastal issues and policies in Chapter 1.C. Loss of these monies would mean that existing state management programs would not be funded at increased levels to improve their operation, that problems in Lake Superior and Lake Michigan may continue due to neglect or lack of funds to address them, and that local governments in need of financial and technical assistance to deal with problems such as coastal hazards will not receive such help. More detailed identification of the differential between existing funding levels of these problems and new levels resulting from CZM program approval, as well as the environmental impacts of these differentials are contained in Part III, Section C. Delay or denial of program approval will also make it difficult for Wisconsin to access funds available from other sections of the CZMA. This includes funds for beach access, interstate projects, research and technical assistance, and coastal energy impact assistance.
- (2) Loss of consistency of Federal actions with the coastal policies of Wisconsin. Program approval would mean that Federal actions, in or affecting the Wisconsin coastal area would have to be consistent with the state's management program, under Section 307(c) of the CZMA. At this time, the state believes such authority would be useful in a number of areas, including (1) meeting stricter state standards for dredge spoil disposal; (2) assuring that Corps of Engineers and Federal Insurance Administration actions are in line with state erosion policies; and (3) achieving a uniform definition of the high water mark based on vegetation to meet state conservation policies.
- (3) Loss of adequate consideration of the national interest in the siting of facilities which are other than local in nature. Section 306(c)(8) of the CZMA requires that the management program provide for such adequate consideration. By delaying or denying program approval,

states and local governments could arbitrarily exclude uses determined to be in the national interest from siting in the coastal area in the absence of Federal preemptive legislation to the contrary. This may result in loss of public benefit that such uses may provide. For example, failure to allow expansion of port facilities in the national interest to accommodate transshipment of coal for energy production may result in the need to use a different energy source. This may add to higher energy costs to the public. However, the national interest also encompasses a concern for the protection of resources such as water, air, wetlands, and wildlife. Consideration of the need for the national interest in facilities must take into account the impacts of facilities on these key resources. In the Great Lakes, water quality is of paramount national, as well as regional and state concern. Program approval would mean that the state could undertake increased technical assistance to local governments and improved implementation of existing state programs. This would give the state and local governments an opportunity to give balanced consideration to both facilities and resources in the national interest. Lacking program approval these considerations affecting resources in the national interest might not be made.

The specific possible deficiencies which might serve as the basis for delay or denial of approval of the Wisconsin program are:

Alternative 1 - The Associate Administrator could delay or deny approval because state authorities proposed to implement the program may not be broad enough to address the full range of concerns expressed in Sections 302 and 303 of the Coastal Zone Management Act.

Sections 302 and 303 of the CZMA address the need to manage coastal resources brought on by the requirements of many competing uses and the need to give full consideration to ecological, cultural, historic, and esthetic values as well as the need for economic development for activities occurring in the coastal area.

Regulations for approval of state management programs emphasize the ability of the state to manage coastal land and water resources based on the full range of these considerations. In determining if the uses subject to management and their management are sufficiently broad, the Secretary of Commerce will rely primarily on whether major coastal-related issues raised by the public and by governmental entities during the course of program development have been addressed. In the case of the Wisconsin program, concerns were expressed that enforceable policies were lacking or weak with respect to beach access, erosion, energy, wetlands, and urban areas. Beach access, erosion, and energy policies based on existing state authorities have been considerably expanded as a result. In the case of wetlands, the state has worked new policies around existing authorities over shorelands, fish and wildlife, scien-

tific areas, and flood plains. These coastal policies are based upon existing statutory authority, and are made binding upon state agencies by means of an Executive Order. Finally, the state has decided not to attempt to amend its Shorelands Management Act to include incorporated areas; instead, it will use existing state authorities to control major uses of state concern in such areas.

Because of the controversy and questions early in program review on the acceptability of some of the policies relied upon to address the concerns listed above, the Associate Administrator could delay or deny program approval. There would then be three basic options available to the state:

- (1) do nothing,
- (2) enact administrative changes through rulemaking to fill the gaps in the scope of the program,
- (3) enact legislation to fill the gaps.

Under the first option, the impacts would be those generalized impacts identified above for delay or denial of program approval. Under the second option, the state could probably expand existing authorities to better control erosion in particular. The state, however, prefers to avoid the delay involved in seeking rule changes if it can safely rely on the Executive Order/Interagency Agreement structure and still meet CZMA requirements. In the case of the approach which Wisconsin has applied, some reviewers may argue that the Program policies are not broad enough to deal with the problems and issues identified by the Program. For example, these people may claim that because policies on erosion are extracted from existing state authorities, none of which specifically cover erosion, greater adverse impacts may result. This, they may claim, would be true in the case of activities which may exacerbate erosion. In the judgment of OCZM, however, it is felt that the policies are broad and specific enough to address the concerns expressed in Sections 302 and 303 of the CZMA.

Under the third option, program approval would likely be assured. Given the state of current authorities being relied upon, the major change from such a legislative approach would be to give the state increased control over the siting and performance of uses and activities in urban and otherwise incorporated areas of the Wisconsin coastal zone, and in the state's coastal wetlands. This would add predictability and reduce speculation in decisions on the siting of facilities and development, and on the protection of wetland resources and thereby improve the management of land and water uses. However, there is no assurance that such legislation could be easily or quickly enacted; in the interim, the adverse generalized impacts listed above would occur. In addition, it should be noted that Wisconsin is not seeking approval of its erosion, beach access, and energy planning elements at this time; the CZMA gives states until October 1, 1978, to meet these requirements in Section 305(b) (7), (8) and (9).

Alternative II - The Associated Administrator could delay or deny approval of the Program because the state may lack the organizational arrangements and authorities necessary to enforce the state Program policies and resolve conflict.

Wisconsin proposes to use a combination of two methods of control to implement its Program. This control will be on the basis of direct state control and on the basis of state review and approval of local ordinances on the basis of state minimum standards and criteria. Section 306(d)(1) requires that the state have the authority to "... control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses."

- (a) Each state agency which exercises statutory authority that is to be incorporated into the management program must be legally bound to exercise its authority in conformance with the state's coastal policies. This can be achieved through executive order or interagency agreement (including memoranda of understanding or agreement), provided that such order or agreement binds the affected parties to conformance with relevant management program policies. Enforcement of compliance is considered assured if any of the following can bring suit: the state agency designated pursuant to subsection 306(c)(5) of the Act, the state's Attorney General, another state agency, a local government, or a citizen.

In order for interagency agreements to be considered binding, states should include the following:

- (i) a description of how the networked agency, in implementing or enforcing its particular authorities, will operate those authorities in conformance with the management program's policies;
- (ii) a discussion of procedures to be followed to resolve conflicts between agency activities and management program policies or conflicts between agencies regarding what constitutes conformance with the policies;

During the final stages of program development, OCZM was concerned with two major issues regarding the enforceability of the Wisconsin Program. They were: a) the adequacy of the Executive Order/Interagency Agreement (EO/IAA) structure for establishing the Coastal Management Council and binding other key state agencies to act consistently with the coastal Program policies; and b) the adequacy of the means presently available to the Coastal Management Program and to citizens to challenge a failure to comply with the coastal Program.

OCZM has made the initial determination that the proposed organization of the Program is sufficient to enforce state Program policies and resolve conflict. This determination was made upon review of legal documentation and analysis provided by the state which described the basis of the Governor's authority to establish the Coastal Management Council, to adopt coastal policies, and to require state agency compliance with the coastal Program through an Executive Order. Wisconsin has documented provisions in the Wisconsin statutes for judicial review of administrative decisions and rules. These could be used by the Coastal Management Council, citizens, and other parties to enforce compliance with the Wisconsin Coastal Management Program.

Some reviewers may question the workability, effectiveness, and enforceability of the proposed organization structure. Admittedly, this is a new and relatively untested institutional arrangement. Case law in Wisconsin regarding the extent to which state agencies can be bound to abide by the terms of the Executive Order and/or Interagency Agreement is virtually nonexistent. These people may feel Federal approval should be delayed until there is evidence that Wisconsin has tried this arrangement independently.

Future judicial tests of this organizational structure could conceivably indicate a weakness in the ability of executive orders and interagency agreements to bind state agencies. OCZM feels the legal research indicates that the Wisconsin Coastal Management Program can be approved with the proposed organization structure. Reconsideration of the effectiveness, workability, and enforceability of the proposed structure is a matter for Section 312, program evaluation.

In the event Wisconsin and OCZM could not have reached a mutually acceptable resolution to this alternative to delay or deny approval of the program, the state would have had the following options:

- (1) do nothing.
- (2) take legislative action to establish the Coastal Management Council and to adopt binding coastal policies.
- (3) institute administrative rule changes by all key state agencies which bind these agencies to abide by the coastal policies.

Under the first option, the impacts would be those generalized impacts resulting from Federal delay or denial of the Program on any basis. It is likely that by following

the second or third option, the Program would receive approval. Therefore, the impacts would be those listed and described in Part III, Section C.

The second option would provide a legislative mandate to the Coastal Management Council, a single state agency, or group of state agencies, to carry out the coastal Program and policies. New legislation probably would be interpreted by the public to mean additional regulation in the coastal area, and might generate opposition from some state agencies which see no need to clarify what they already interpret to be enforceable state policies. The result might be no approved Coastal Management Program. Impacts would be those generalized impacts discussed above in this section.

However, this second option would probably ensure Federal approval of the Program. This would result in the impacts identified in Part III, Section B. In addition, following this option would add increased predictability to siting and performance of activities in the coastal area. It would reduce speculation as to the outcome of state and local decision-making on activities and resources of the Wisconsin coastal area.

The third option would provide additional certainty to the enforceability of the Program, but at considerable cost to the state in terms of money and time. Rule changes to incorporate and refine coastal policies are among the state's highest priorities for the use of Section 306 grant funds. Most of the coastal policies are contained presently in state administrative regulations. All coastal policies are an expression of existing state policy and interpretation of state legislative authority, in addition to being incorporated into the Executive Order. With respect to program policies on coastal erosion hazards and wetlands, however, the state would like to use Section 306 funds to further delineate and refine its mandate under the Executive Order and existing statutory authority by formulating more specific criteria for state agency decision-making where wetlands and erosion are at issue.

- (b) With respect to the issue of conflict resolution, the initial concern of OCZM centered on the need to identify the processes and entities that would be utilized in resolving conflicts among competing uses such as the Coastal Management Council, the Governor, or some other mechanism(s).

In addition, the inclusion of more specific policies would assist in the resolution of conflicts by providing guidance to decision-makers in the face of conflicting demands. The state's method of conflict resolution rests ultimately with the Governor. However, the Wisconsin Coastal Program will

use a number of other mechanisms to help resolve conflicts. These are discussed in Part II, Chapter II C.5 of this document.

Some reviewers may feel that the methods of conflict resolution do not cover a wide enough spectrum of use conflicts, or that the Council should have the authority to resolve conflicts in addition to its role as a forum for voluntary consideration and informal conflict resolution. Many of the methods the state has identified may not be easily accessible to shoreline users or property owners because they are methods to resolve interagency conflicts or resort to the courts if necessary. OCZM, of course, feels the methods of conflict resolution and conflict avoidance described in the program are sufficient to approve the Program. Any reconsideration of this would be resolved, in the opinion of the Associate Administrator, in Section 312 review, program evaluation.

In the event Wisconsin and OCZM could not have reached a mutually acceptable resolution to this alternative to delay or deny approval of the program, the state would have had the following options:

- (1) do nothing,
- (2) take legislative action to establish an organizational structure with clear lines of authority and ability to resolve conflict.

Under the first option, the impacts would be those generalized impacts resulting from Federal delay or denial of the Program on any basis. It is likely that by following the second option, the Program would receive approval. Therefore, the impacts would be those listed and described in Part III, Section B. In addition, by following this option, the process of conflict resolution should be streamlined. This should provide for a more timely response from public agencies on the siting and performance of activities in the Wisconsin coastal area. It may also help to avoid lengthy delays caused by legal proceedings regarding conflicts between public and private interests.

Alternative III - The Associate Administrator could delay or deny approval of the Program because the state may not have completed an inventory and designation of areas of particular concern (GAPCs) within the coastal area as well as establish broad guidelines on priority of uses within those areas.

Section 305(b)(3) of the CZMA requires that the management program for each coastal state shall include an inventory and designation of areas of particular concern within the coastal area.

In order to meet this requirement, states must:

- (1) designate geographic areas that are of particular concern, on a generic or site-specific basis or both;
- (2) indicate the nature of the concern and the basis on which designations are made;
- (3) describe how the management program applies enforceable policies and authorities to the designated areas; and
- (4) provide guidelines regarding priorities of uses in these areas, including guidelines on uses of lowest priority.

Once designated, GAPCs must be identified by location (if site specific) or category of coastal resources (if generic) in sufficient detail that affected landowners, governmental entities and the public can determine with reasonable certainty if a given area is or is not designated.

OCZM encouraged Wisconsin to designate site specific GAPCs (Wisconsin chooses to refer to them as geographic areas of management concern - GAMCs) prior to formal program submittal and review. However, the state could have designated only state-owned areas at the time. This would have meant that no site specific areas nominated by the public or local and regional agencies would have been designated at the time of formal review. Wisconsin did, however, accelerate its timetable for designation of GAPCs by generic type. By formally adopting the Program, the Governor has acted to designate the generic type of GAPCs identified in Part II, Chapter II.B. of this document. In addition, site specific designations will be made by February, 1978, shortly before projected program approval.

While OCZM feels that this meets the requirements of the CZMA, some reviewers may feel that the generic designations are not specific enough. Some may also feel that the guidelines on priorities of uses assigned to the generic GAPCs are too broad and general to guide the management agencies, property owners, and others who may undertake projects which affect GAPCs.

By not designating site specific GAPCs until shortly before program approval, it conceivably could be argued that the public and state agencies would not be able to determine how state priorities and criteria for designation of sites as GAPCs would be applied.

Prior to Federal approval of the Wisconsin Program by the Associate Administrator, the Wisconsin Coastal Management Council will act to formally designate specific GAPCs. These specific sites will be included in the Final Environmental Impact Statement on the Wisconsin Program.

In the event Wisconsin and OCZM could not have reached a mutually acceptable resolution to this alternative to delay or deny approval of the Program, the state would have had the following options:

- (1) do nothing,
- (2) designate site specific GAPCs at the time of Program submission for formal Federal review,
- (3) designate more specific generic types of GAPCs at the time of Program submission for formal Federal review.

Under the first option the impacts would be those generalized impacts resulting from Federal delay or denial of approval of the Wisconsin Program.

By following the second option, Wisconsin would have demonstrated to reviewers how it will apply its priority concerns and additional selection criteria for GAPC designation. Under this option the Program would, in all likelihood, receive Federal approval. The impacts would be those discussed in Part III, Section C. In addition, this option would provide more specific management criteria for determination of Federal consistency for activities affecting these GAPCs. This would most likely provide for increased environmental protection in GAPCs designed for natural, scenic, historic, and scientific values. It would also provide more certainty of where Federal development activities could be conducted in a way consistent with the Wisconsin Program.

The final option would result in a greater number of generic type GAPCs. This option, also, would most likely result in program approval. The impacts would be those discussed in Part III, Section C. Other impacts as a result of following this option would be that management policies would be more focused to apply to a certain type of GAPC. Specific areas that may have multiple values for GAPC selection may be selected for one but not multiple types of GAPCs. This would result in better, more intensive management for those areas whether they are conservation or development oriented GAPCs.

E. PROBABLE ADVERSE ENVIRONMENTAL EFFECTS OF THE PROGRAM WHICH CANNOT BE AVOIDED

At this stage in designing a Wisconsin Coastal Management Program, there appear to be no unavoidable adverse environmental impacts from instituting the proposed program. The Coastal Coordinating and Advisory Council has designed the proposed coastal program so that each investment will be reviewed for its environmental and economic impacts. The Coastal Management Program would not proceed with a project which had a disproportionate share of adverse impacts which could not be mitigated.

Responses from the Coastal Program's public survey and concerns expressed by Council members and the Citizens Advisory Committee suggest that some of the Program's impacts could be viewed as detrimental by some people. These issues and the ways the Coastal Program intends to address them are discussed below:

Issue (1): The coastal program intends to fund improved management of local services; this is a responsibility of local governments which the coastal program should not support.

The coastal program would provide financial and technical assistance to local governments to improve their capabilities for managing coastal resources. Training of zoning administration staff, ordinances revision, planning for the orderly development of the coastal area, and numerous other projects could be financed wholly or partly by the coastal program (Part II, Chapters I C, II B-D). Funding assistance would be limited to a two year period, and the local government would then have to determine whether and how to continue the project.

Issue (2): The proposed Coastal Management Council, Citizens Advisory Committee, and clearinghouse functions in the regional planning commissions will be expensive and inefficient.

As discussed in Chapter II.C. of the previous Part, the Coastal Coordinating and Advisory Council decided that the advantages of having a body with visible decision-makers and composed of state, local and regional representatives outweigh any inefficiencies that might result. The proposed creation of the regional coastal task forces would ensure that local interests have the opportunities to participate in the program. Staffing for these three task forces would be through existing regional planning commissions. Expenses incurred by the program are for partial staff support and logistical expenses for 4-5 people. In addition, the State provides \$1 for every \$4 provided by the federal government. This state contribution is either cash or existing services from State government. The proposed Coastal Management Council and Citizens Advisory Committee are not compensated for their time, but they are reimbursed for program related expenses in most cases.

Issue (3): The proposed coastal program infringes on the rights of property owners.

The U.S. and Wisconsin Constitutions protect property owners against the taking of property without just compensation. The proposed coastal program is designed to assist local governments and state agencies to more effectively carry out existing laws. Property owners do not have to justify a proposed use of the land to the proposed Coastal Management Council because the coastal program will use existing laws and governmental bodies to implement the program.

Although the proposed coastal program can and will not violate the rights of private property owners, the program may affect the expectations that some people have about using their land. For example, if the coastal program assisted in identifying erosion hazard areas and encouraged state or local agencies to regulate development in such areas, some property owners may lose the option of selling their land for residential or commercial uses. In a similar manner, actions by the proposed Coastal Management Council which seek to limit coastal development to only those land uses which require a coastal location may constrain the future options of coastal property owners. Many social and political factors affect one's land-use

options, but governments at any level do not have to guarantee a financial return from private investments in lakefront property or anything else.

Issue (4): The coastal program will lead to greater demands for inland waterfront property, because the program will seek to focus the public's and government agencies' attention on the types and locations of coastal development.

There is no question that the proposed coastal program encourages Wisconsin to consider the Great Lakes as unique resources. To the extent that the coastal program changes the way local and state governments address the environmental, social, and economic impacts of coastal activities, inland resources may receive more or less pressure. The grants offered by the coastal program will reduce the amount of federal and state resources diverted from other programs by greater emphasis upon the Great Lakes. Unlike the California program, for example, Wisconsin's proposal does not require the receipt of development permits from the coastal management program. Even if the attention of state, local, and federal governments is diverted to coastal problems, the value of this new information and experimentation with resource management techniques will assist in managing inland resources.

F. THE RELATIONSHIP BETWEEN LOCAL, SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

As discussed in the previous sections, Wisconsin's Coastal Management Program identified five ways to attain certain broad coastal management objectives. These activities are intended to promote and enhance the coastal area's long-term productivity. Indeed, the proposed activities are designed specifically to help remedy deficiencies in public awareness, intergovernmental coordination, and local management capabilities in public awareness, intergovernmental coordination, and local management capabilities which encourage local, short-term uses of the environment.

Several environmental groups have expressed the concern that the program should have more funding and greater authority to regulate the use of coastal land and water resources. The program proposal, however, represents a compromise between the preferences of different interest groups and the limitations imposed by existing state and federal statutes.

G. IRRETRIEVABLE OR IRREVERSIBLE COMMITMENTS OF RESOURCES FROM THE PROPOSED ACTION

The five activities of the coastal program represent investments in improving existing state and local management capabilities. At any time the expenditure of labor and funds to seek an objective is an irreversible decision. The essence of the NEPA and WEPA concern for such commitments stems from instances of past neglect for the full

value of certain resources. Public funds are the major irretrievable resource expended by this proposed activity. Any impacts on the physical, social, or economic environment that are generated by this proposed action will be carefully reviewed through the processes discussed above.

H. CONSULTATION AND COORDINATION ON THE PROGRAM AND EIS

Extensive consultation, coordination, and input has been received in developing the Wisconsin Coastal Management Program and likewise this draft EIS. In discussing the Wisconsin natural and human environment, many program alternatives were explored, discussed and revised to produce this document. This process satisfied two requirements.

The Office of Coastal Zone Management requires that a State conduct an environmental impact assessment on the coastal management program prior to any approval of the program. This assessment is then used in developing the draft EIS for circulation nationally under NEPA. Additionally, the Wisconsin Coastal Program had to respond to WEPA requirements that state decision-makers and the public give full consideration to impacts and alternatives before taking a major state action. These responsibilities were fulfilled through the institutional arrangements (the Coordinating and Advisory Council, Citizens Advisory Committee, three Regional Task Forces and federal contacts) and the extensive procedures to develop this proposal. This is documented in:

1. Appendix D - History of Wisconsin Coastal Program Development
2. Appendix E - Public Participation in Program Development
3. Appendix F - Regional Coastal Problem Statements
4. Appendix I - Federal Consultation
5. Additional documentation exists at OCZM and the Wisconsin lead agency dealing with Federal, State and local government participation and public involvement.

Relevant highlights of the past three years of program development are:

- The first objective of the Coastal Management Development Program was to establish an organizational structure to provide for maximum intergovernmental and citizen involvement.
- A gubernatorially-appointed Coastal Coordinating and Advisory Council was established and first met in January, 1975, to guide program development and to make basic program decisions. Members included local elected officials, state legislators, state and regional agencies, the University System and citizens.
- A Citizens Advisory Committee was also created and first met in April, 1975, to represent the broad range of public interests in the coastal area and to advise the Coastal Coordinating and Advisory Council in public concerns.

- Regional agency staff and the University of Wisconsin - Extension conducted various public information campaigns to broaden public awareness of coastal issues. Interested citizens were invited to participate on regional task forces. Each region established technical committees to provide regular coordination with local governments, planning and zoning agencies and some federal agencies. Formal and working contacts were established with other Great Lakes states' coastal programs and with affected federal agencies.
- By January 1976, the Coastal Coordinating and Advisory Council agreed that there were significant problems along the coasts and began to explore the nature of a potential Coastal Management Program in early 1976.
- In the summer and fall of 1976 meetings were held with local citizens and officials to determine public thought on coastal issues. Regional Task Forces also prepared summaries of regional coastal issues.
- From those meetings, the Coordinating and Advisory Council developed a framework statement and four working papers for discussion and review in fall-winter. Several federal agencies, many local governments, each regional task force and the Citizens Advisory Committee prepared detailed comments for Council consideration.
- On February 25, 1977, the Coordinating and Advisory Council adopted the preliminary Program Proposal that was made available through extensive distribution for public review on April 11.
- Eleven public hearings were held during May. No agency has found the Program policies and objectives inconsistent with adopted plans and policies. The Citizens Advisory Committee and the Coordinating and Advisory Council made some changes and on June 24, 1977 recommended to the Governor that the Program Proposal be submitted for federal approval to the Department of Commerce. Thirty federal agencies met with Program staff on June 30, 1977 to discuss their concerns.
- On August 12, 1977 Governor Martin J. Schreiber submitted the Program which received preliminary approval under Section 305(b) by OCZM on September 12, 1977.

Coordination will remain a key component of the Wisconsin Coastal Management Program, both as an objective of the Program Part II, Chapter I.B and through organization structures, Part II, Chapter II.C, and federal consistency, Part II, Chapter III.

TABLE 7

Processes to assure consistence of managed uses through WEPA and other reviews

Table 7 shows how existing review processes assure consistent implementation of water and land based activities (left column) identified as managed uses (Part II, Chapter II. B.). Column 1 indicates Wisconsin Environmental Policy Act (WEPA) procedures, Column 2 indicates relevant state coastal policies and Column 3 lists mechanisms for consistency and review in other state, regional and local plans and ordinances.

Managed Uses	(1) WEPA Review Procedures *	(2) State Coastal Policies	(3) Consistency and review with other state, regional and local plans and ordinances	(4) Public Hearing () = Optional
1. Water based activities				
a. removing materials from the bed of a Great Lake or other navigable coastal water	WEPA Type II	4.11	Local harbor plans	(X)
b. mining of metallic minerals	WEPA Type II	4.11	Some local ordinances	(X)
c. enlarging of a Great Lake or other navigable coastal water	WEPA Type II	4.12	Local harbor plans	(X)
d. constructing an artificial waterway within 500 ft. of a Great Lake or other navigable coastal water	WEPA Type II	4.12	NA	(X)
e. connecting an artificial waterway to a Great Lake or other navigable coastal water	WEPA Type II	4.12	NA	(X)
f. depositing any materials in the Great Lakes or other navigable coastal water	WEPA Type II	4.11	Local harbor plans	(X)
g. placing any structures upon the bed of the Great Lakes or other navigable coastal water	WEPA Type II	3.5, 4.11	Local harbor plans	(X)
h. discharging of effluents into coastal water	Standards-WEPA Type II	1.3, 1.4, 1.5, 1.7, 1.9, 1.10, 1.11, 2.7	International agreements on Great Lakes; Local ordinances Local sewage and storm water runoff plans	(X)
i. placing refuse in coastal waters	Standards-WEPA Type II	1.2, 1.4	Local ordinances	(X)
j. obtaining drinking water	Standards-WEPA Type II. Permits-WEPA Type III	1.14	Local ordinances Local municipal water system plans	(X)
k. harvesting fish for commerce or sport	Standards-WEPA Type II. Permits-WEPA Type III	2.12	Local ordinances	(X)
l. boating in coastal waters	Standards-WEPA Type II. Permits-WEPA Type III	NONE	Local ordinances	(X)

	(1) WEPA Review Procedures*	(2) State Coastal Policies	(3) Consistency and review with other state, regional and local plans and ordinances	(4) Public Hearing () = Optional
2. Land based activities				
a. grading or removing top soil which disturbs 10,000 sq. ft. or more of the banks of the Great Lakes of other navigable coastal water	Standards-WEPA Type II. Permits-WEPA Type III	4.3	Local ordinances Local land use plans	(X)
b. placing structures in flood prone areas	Standards-WEPA Type II	3.1, 3.2, 3.3, 3.4	HUD flood plain zoning standards. Local flood plain zoning. Local land use plans. Building inspection	(X)
c. siting electrical generation and high voltage transmission facilities	WEPA Type I or II depends on size	1.9, 5.10, 5.11	Overall economic development plans	(X)
d. constructing sewer and water utility facilities	WEPA-DNR Type II WEPA-PSC Type III	1.6, 1.8	Future state and regional 208 water quality plans. Local and regional land use and public service plans. Overall economic development plans	(X)
e. using private waste treatment and disposal systems (including locating and installing these systems)	Standards-WEPA Type II. Permits-WEPA Type III	1.13	Local ordinances. Local land use plans. Overall economic development plans	(X)
f. developing state owned facilities	WEPA Type I, II, III	4.5	Biennial State Building Commission Capital Improvement Plan. Local ordinances. Overall economic development plan	(X)
g. developing county and municipal facilities funded by non-formula state aids		NONE	Local land use plan Overall economic development plan	
h. laying out, altering, or discontinuing highways	WEPA Type I or II	5.3	State Highway Plan of 1972 (future multi model transportation plan). Local and regional land use and transportation plans	X
i. disturbing bridges	WEPA Type II	5.3	DOT Priority Bridge Needs List Overall economic development plan	(X)

	(1) WEPA Review Procedures*	(2) State Coastal Policies	(3) Consistency and review with other state, regional and local plans and ordinances	(4) Public Hearing () = Optional
j. abandoning any rail line or service	WEPA Type III	5.3	State Rail Plan, 4R Act Abandonment Projections. Overall economic development plan	X
k. constructing or establishing a new airport	WEPA Type I	5.3	State Airport Plan (future multi-modal transportation plan)	X
l. platting subdivisions that create five or more plots of 1½ acres or less within a five year period	WEPA Type II	1.13, 4.2, 4.8	Local approving authority Local land use plan	(X)
m. using rural shorelands	DNR state guidelines and variance review	2.13, 3.2, 4.1	County ordinance. Local land use plan	(X)
n. emitting air pollutants from point sources	WEPA Type II	1.16	State Air Quality Implementation Plan. Local and regional land use/transportation plan	(X)
o. obtaining drinking water	Standards-WEPA Type II. Permits-WEPA Type III	1.14	Future ground water plan. Local and regional public service plans. Overall economic development plans	(X)
p. using pesticides	Policy-WEPA Type II H&SS, DoAg, DNR	1.12	Local ordinances	(X)
q. using outdoor advertising	Policy-WEPA Type II Acquisition-WEPA Type III	4.7	Local ordinances	(X)
r. mining of metallic metals	WEPA Type II	4.11	Local and regional land use plans. Overall economic development plans.	(X)

*All state agencies have categorized their actions to more easily and uniformly comply with WEPA (Section 1.11, Wisconsin Statutes). Type I actions are those which always require preparation of an environmental impact statement (EIS). Type II actions are those which may or may not require an EIS. Type III actions never require an EIS. Agency Action Lists are updated at least every two years with opportunity for public and other agency comment. Revisions are submitted to the Governor's Office for review.

**THE STATE HISTORICAL
SOCIETY OF WISCONSIN**

816 STATE STREET / MADISON, WISCONSIN 53706

September 19, 1977

Mr. Allen H. Miller
Program Administrator
Wisconsin Coastal Management Program
B-130, One West Wilson Street
Madison, Wisconsin 53702

SHSW: 0321-77

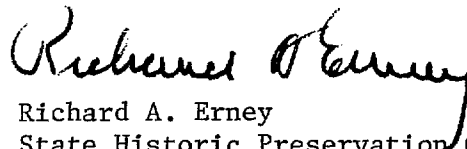
Dear Mr. Miller:

We have examined the State of Wisconsin Coastal Management Program and Draft Environmental Impact Statement submitted for our review.

We were pleased to note that our comments on the Draft Management Program were taken into consideration in formulating the final program. We feel you have done an admirable job of incorporating the concerns of historic preservation existing under both federal and state statutes into the general program of coastal zone resource management.

We look forward to continued cooperation with you and your staff in the implementation of this program in Wisconsin's coastal area.

Sincerely,

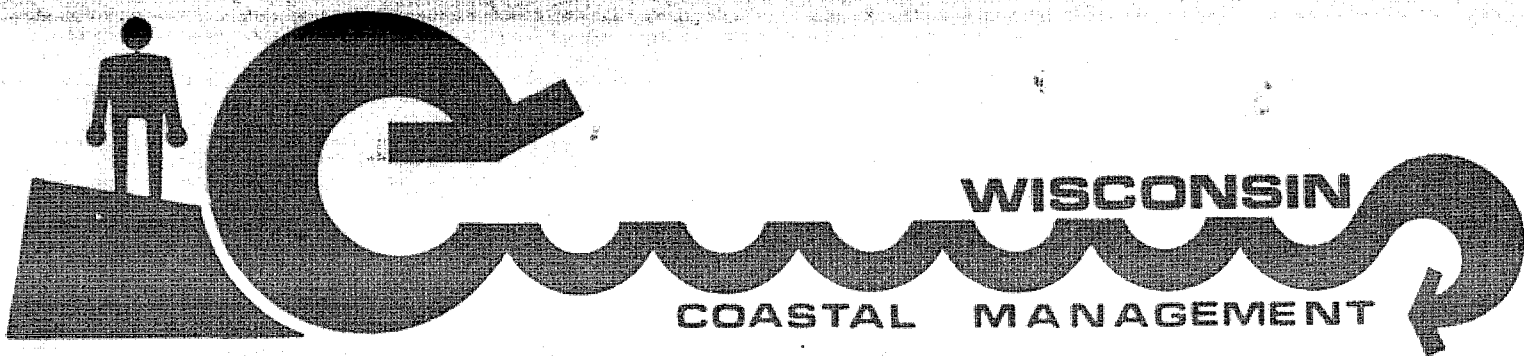


Richard A. Erney
State Historic Preservation Officer

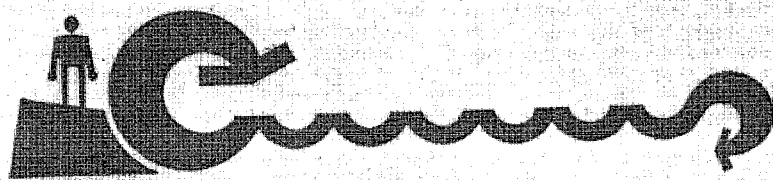
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PART IV

APPENDICES



APPENDIX A - GLOSSARY



APPENDIX A

GLOSSARY OF TERMS

- A-95: A procedure for securing intergovernmental review of many federally funded projects; funding applications are circulated to governmental agencies and interested parties for review and comment by state and area-wide clearinghouses; the procedure is required by OMB Circular A-95, thus the name.
- Activity of Regional Benefit: A significant use of coastal land or water that has a multi-county environmental, economic, social or cultural impact.
- Administrative Code: When state agencies make administrative rules, they are published in the state's official administrative code.
- Administrative Rules: State laws frequently contain general policies, with the state agencies being allowed to set more specific standards or to interpret the statute by issuing administrative rules; when properly issued and specifically authorized by the state law, these administrative rules have the force of law.
- Advisory Council: A term sometimes used for the Coastal Coordinating and Advisory Council, the body responsible for developing a program proposal.
- Advocacy: One of the functions of the new Coastal Management Council; to promote the interests of the Great Lakes; to promote the wise and balanced use of the coastal environment.
- Areas for Preservation or Restoration (APRs): A category of "areas of management concern;" those specific natural, scientific, historic or cultural areas whose unique value warrants preservation will be designated by the Coastal Management Council as Areas for Preservation; similarly, areas that should be restored to an earlier or improved condition will be designated as Areas for Restoration; after designation, program funds would be available for preservation or restoration.
- Areas of Management Concern: see "geographic areas of management concern."
- Area-wide Clearinghouses: Multi-county or area-wide bodies that review and comment upon applications for federal funds under the A-95 process; in Wisconsin, regional planning commissions usually perform this function.
- Authority: The legal basis giving government the power to do something.
- Bay-Lake Regional Planning Commission (BLRPC): A regional planning commission for Sheboygan, Manitowoc, Kewaunee, Door, Oconto, Marinette and Florence counties; its main office is in Green Bay.
- Boundary: see "coastal management program area".

Citizens Advisory Committee: A proposed group of 27 persons, with wide geographic and interest group balance, to monitor the program implementation and sponsor public education and public participation programs; a State Citizens Advisory Committee has been in existence for the past two years to review program development.

Coastal: That area of Wisconsin related to the Great Lakes and the Green Bay, including the water area within Wisconsin's borders and the adjacent shorelands.

Coastal Coordinating and Advisory Council: The 27 member group appointed by Governor Lucey in 1974 to study coastal issues and prepare coastal management proposals.

Coastal Management Council: The 29 member group that will direct the Wisconsin coastal management program; it will contain state government, local government, tribal government and publicly oriented members.

Coastal Management Program: The entirety of activities proposed to be undertaken in Wisconsin to improve coastal management; the program would be directed by the proposed Coastal Management Council.

Coastal Management Program Area: That part of Wisconsin eligible to participate in the coastal management program; it includes the water area of Lakes Michigan and Superior and the 15 adjacent counties.

Coastal Zone Management Act (CZMA): A law passed by the U.S. Congress in 1972, extensively amended in 1976; it provides federal funding for voluntary state coastal management programs.

Corps of Engineers: The U.S. Army Corps of Engineers; responsible for federal review of projects affecting navigable waters and planning, design, construction, operation and maintenance of federally authorized flood, navigation, shore erosion control and multiple purpose works.

DBD: The Wisconsin Department of Business Development; involved in tourism and economic development activities.

DLAD: The Wisconsin Department of Local Affairs and Development; responsible for providing technical assistance to local governments and advocating their interests; also provides some support for regional planning commissions.

DNR: The Wisconsin Department of Natural Resources; responsible for state water quality, air quality, wildlife, fish, park, forest and other natural resource programs.

DOA: The Wisconsin Department of Administration; provides staff support for the executive branch of state government; houses the Office of State Planning and Energy.

DOT: The Wisconsin Department of Transportation; involved in the full range of transportation issues, including highway, airport, rail and port activities.

Dependent Use: An activity that requires proximity to water, such as marina, port or shipbuilding facilities.

Direct and Significant Uses: Those activities that have major impacts upon the coastal waters.

Easement: Partial ownership of land, such as a right to fish on the land (a fishing easement), to cross over the land (an access easement), or to prevent development that would mar a view (a scenic easement).

Environmental and Economic Impact Assessment (EEIA): A statement highlighting the potential environmental, economic, social and cultural impacts of a proposed governmental action.

Erosion Hazard Area: Areas of active shore erosion or bluff instability where the probability of property damage is high.

Erosion protection structure: Physical structures designed to retard shore erosion (such as groins, jetties, breakwaters, bulkheads, etc.).

Excluded federal lands: Lands owned by the federal government would not be covered by the state coastal management program.

Executive Order: An official proclamation issued by the Governor; within appropriate limits, it may have the force of law.

Expressed interest: Federal activities in the coastal management area that the state has an "expressed interest" in must, to the maximum extent practicable, be carried out consistently with the state program, once the state program is approved.

Federal consistency: The requirement of the Coastal Zone Management Act that federal activities in the coastal area be consistent with approved state programs.

Fee Simple Interest: Full ownership of a parcel of land; generally if an individual holds a fee simple interest in the land, there are no outstanding easements or partial interests (e.g., a life estate) barring that individual's full use of the property; also, a fee simple interest is not bound by time--it lasts forever.

Geographic Area of Management Concern (GAMC): Those areas adjacent to, near or in the Great Lakes which are of special importance because of natural, scientific, economic, cultural or historic concerns. These key areas will be designated by the Council, have a specific management policy, and will be eligible for funds to improve their management. Areas managed by either state or local governments may be designated as "Areas of management concern."

Goal: Broad statement of intent or desired condition.

Great Lakes: Lakes Superior and Michigan, Green Bay and the adjacent transitional shorelands.

Great Lakes Basin Commission (GLBC): A federal-state commission established by the President in 1967; it is a planning and coordinating agency, not a regulatory body.

Hazard Area: An area subject to serious damage from flooding or erosion.

Historic Site: An area of significant state or local historical interest.

Lead Agency: The agency financially and programatically responsible for administration of the coastal management program; this program assigns this role to the Office of State Planning and Energy.

Local government: Cities, villages, towns and counties; does not include special purpose governments (e.g. sewage districts, harbor commissions).

Managed uses: Those uses of coastal land or water that, because of their direct and significant impact on the coastal environment, should be managed.

Management: Governmental attempts to influence what happens in the coastal area; techniques for management range from land acquisition and regulation to research and education.

Management Council: A term sometimes used for the Wisconsin Coastal Management Council.

National Environmental Policy Act (NEPA): A federal law enacted by Congress in 1969; requires federal agencies to consider environmental factors in their decision-making; requires environmental impact statements for major federal actions that significantly affect the environment.

Navigable waters: A lake or stream is "navigable" if it can be traversed by a shallow draft recreational craft (e.g. a canoe); navigable waters are subject to extensive public rights and regulations; the DNR is the principal state agency charged with administrative supervision of the public rights to these waters.

National Oceanic and Atmospheric Administration (NOAA): A division of the federal Department of Commerce that houses the Office of Coastal Zone Management.

Northwest Regional Planning Commission (NWRPC): A regional planning commission for Douglas, Ashland, Bayfield, Iron and six other non-coastal counties in the northwestern portion of the state; its main office is in Spooner, with area office in Ashland.

Office of Coastal Zone Management (OCZM): The federal agency responsible for administering the federal Coastal Zone Management Act; it is housed in the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce.

Office of State Planning and Energy (OSPE): The state agency administering the development of Wisconsin's coastal management program; it is part of the state Department of Administration.

Ordinary High Water Mark (OHWM): The boundary between publicly owned navigable waters and upland areas; in Wisconsin, this line is defined by reference to natural factors (the point on the shore where the presence of the water leaves a distinct mark).

Policy: A statement of management direction, more specific than a goal.

Program Objectives: Those five things the coastal program will do to improve Wisconsin coastal management, including advocating wise use of the coastal area, increasing public awareness and participation, improving coordination and implementation of existing management activities and strengthening local capabilities to address coastal concerns.

Program participants: All those receiving funding from the coastal management program activities; will include state agencies, the university, regional planning commissions and those localities choosing to participate.

Program Staff: Representatives from participating organizations. Includes the lead agency (OSPE), Citizens Committee staff (UWEX), the three coastal regional planning commissions, the departments of Natural Resources, Transportation, Business Development, Local Affairs and Development, and the U.W. Sea Grant College Program.

Public access: The way the public gets to waters that are subject to public use.

Public trust: The state owns certain resources, such as the waters of the state, and holds these resources for the use and benefit of all of the people of the state; these resources are said to be held by the state in trust for the state's citizens.

Public Service Commission (PSC): The state agency responsible for utility regulation, including railroads, motor carriers, electric and natural gas utilities.

Regional clearinghouses: see "area-wide clearinghouses."

Regional planning commissions (RPCs): Bodies created by the governor, upon the petition by and consent of local governments, to perform studies, prepare plans, provide advisory services and act as a coordinating agency; in the coastal area there are three RPCs--the Southeastern Wisconsin, Bay-Lake and Northwest RPCs.

Riparian owner: Generally used to describe one who owns land along the bank of a river or a lake.

Session law: The body of laws enacted by the legislature at one of its biennial sessions (e.g. the laws of 1973 or the laws of 1975), as distinguished from the "statutes," which is a compilation by subject matter of all the laws in effect; session law includes both general laws (permanent laws affecting the entire state) and special laws (laws of limited application, such as a specific lake bed grant).

Southeastern Wisconsin Regional Planning Commission (SEWRPC): A regional planning commission for Racine, Kenosha, Milwaukee, Ozaukee, Walworth, Waukesha and Washington counties; its main office is in Waukesha.

Staff: See "program staff."

State concern: Of state level interest or concern, as opposed to local or regional concern; for example, recreational areas may be of state concern (a state park) or local concern (a city park).

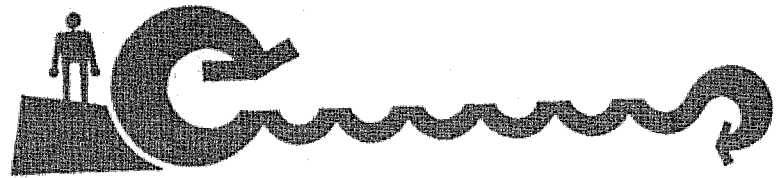
Statutes: The official general laws of the state, as enacted by the legislature and approved by the governor; they are arranged by subject matter, with biennial publication.

Technical assistance: The provision of information and services, as opposed to money, to agencies responsible for coastal management.

UWEX: University of Wisconsin Extension.

Wetlands: Lands with wet soil and aquatic type vegetation; often called marshes, swamps, estuaries, bogs, wet meadow, thickets, sloughs and fens.

Wisconsin Environmental Policy Act (WEPA): A state law that requires state agencies to consider environmental concerns in their decisions and to prepare environmental impact statements on major actions significantly affecting the quality of the human environment.



APPENDIX B - LEGAL CITATIONS

APPENDIX B

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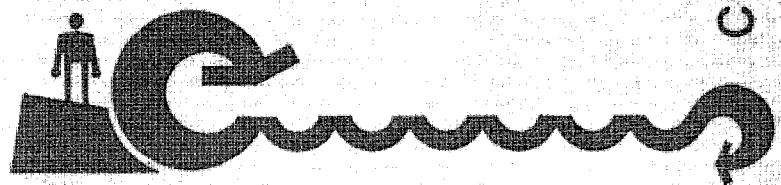
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C. LIST OF PARTICIPANTS

The WISCONSIN COASTAL COORDINATING AND ADVISORY COUNCIL was the decision-making body for program development. Members:

- Represent state and local agencies and units of government and citizens which have an interest in coastal management
- Are appointed by the Governor
- Are charged to advise the Governor on the need for a coastal program for Wisconsin

Members of the Council as of June, 1977 were:

Mr. Stephen M. Born, Co-chairman
State Planning Office (Madison)

Mr. Harvey Grasse, Co-chairman
Door County Resident (Ellison Bay)

Mr. Marvin Beatty
UW-Extension (Madison)

Mr. George Berteau
Southeastern Wisconsin Regional
Planning Commission (Racine)

Rep. Marcel Dandeneau
District # 63 (Racine)

Ms. Jeanne DeRose
Inland Resident (Madison)

Mr. Robert Dusenbery
Northeast Regional Planning
Commission (Ashland)

Mr. Rufus Entringer
Kewaunee County Board (Algoma)

Mr. Arne Gausmann
Dept. of Transportation (Madison)

Mr. Richard Gurnoe
Red Cliff Tribal Council (Bayfield)
DESIGNEE: Mr. Henry Buffalo

Mr. Bruce Hagen, Mayor (Superior)
DESIGNEE: Ms. Marie Sladky

Mr. George James
Dept. of Local Affairs and
Development (Madison)

Mr. John Kerski
Bay-Lake Regional Planning
Commission (Marinette)

Mr. Arthur Kurtz
Dept. of Agriculture (Madison)

Mr. Ted Lauf
Dept. of Natural Resources (Madison)

Rep. Sharon K. Metz
District # 90 (Green Bay)

Mr. Lewis T. Mittness
Public Service Commission (Madison)

Mr. Michael R. Monfils, Mayor
(Green Bay)
DESIGNEE: Dale Preston

Ms. Ella Opitz
Ozaukee County Board (Saukville)

Mr. Robert Ragotzkie
UW Sea Grant College (Madison)

Mr. Harout O. Sanasarian
Milwaukee County Board (Milwaukee)
DESIGNEE: Joanna Rody

Ms. Dorothy Sanders
Milwaukee County Resident (Milwaukee)

Ms. Nancy Z. Schreiber
State Citizens Advisory Committee
(Sheboygan)

Mr. Ted Seaver
Rep. of Mayor's Office (Milwaukee)

Mr. Charles Tollander
Northwest Regional Planning
Commission (Webster)

Mr. John Wroblewski
Bayfield County Resident (Washburn)

Pending: State Senator

Pending: Dept. of Business Development
(Madison)

The STATE CITIZENS ADVISORY COMMITTEE

The Citizens Advisory Committee grew out of an especial concern that public views and opinions on a Wisconsin Coastal Management Program be actively solicited and considered. MEMBERS:

- Form a state-level body of citizens representing broad public interests in coastal counties.
- Are appointed by the Co-Chairmen of the Council.
- Are charged to advise the Council by monitoring and evaluating the development of a Coastal Management Program Proposal.
- Have access to independent staff through the University of Wisconsin - Extension.

Members of the Citizens Advisory Committee as of June, 1977 were:

Ms. Nancy Z. Schreiber, Chairperson
(Sheboygan)

Mr. David D. Legg, Sr.
(Milwaukee)

Ms. Mary Bailey (Ashland)

Ms. Alayne Lockett (Milwaukee)

Mr. Frank R. Boucher (Glendale)
Alternate: Lewis R. Dixon

Ms. Eileen Marshart (Superior)

Mr. Lyell M. Cowley (Iron River)

Mr. Walter Pomeroy (Bayfield)
Alternate: Mr. Rocky Barker

Ms. Florence K. Dickinson
(Sturgeon Bay)

Mr. Charles Rice (Racine)

Mr. Patrick Doyle (Milwaukee)

Mr. John H. Saemann (Marinette)

Mr. Don Duman (Algoma)

Mr. Phil Sanders (Kenosha)

Mr. Richard Eichler (Kenosha)

Mr. John A. Seefeldt (Milwaukee)

Ms. Louise Erickson (Racine)

Mr. Jack E. Severson (Manitowoc)

Mr. George Evenson (Sturgeon Bay)

Ms. Cora Stencil (Green Bay)

Mr. D. David Johnson (Milwaukee)

THE WISCONSIN COASTAL MANAGEMENT PROGRAM STAFF, composed of state agency and regional planning commission staffs, provides technical support for the policy-making Council.

Lead Agency

OFFICE OF STATE PLANNING & ENERGY

Allen Miller	*Administrator
David Owens	*Planning Analyst/Attorney
Caryl Terrell	*Environmental Specialist
Vacant	*Planning Analyst
Helen Ledin	*Secretary

Participating Agencies

BAY LAKE REGIONAL PLANNING COMMISSION

Robert Fisher	Executive Director
Vacant	*CMDP Administrator

DEPARTMENT OF BUSINESS DEVELOPMENT

Ray Mueller	Commercial Recreation Development Specialist
-------------	--

DEPARTMENT OF LOCAL AFFAIRS & DEVELOPMENT

Don Pokorski	Acting Chief
James Mohrbacher	Planning Analyst

DEPARTMENT OF NATURAL RESOURCES

Ted Lauf	*Staff Liaison
----------	----------------

NORTHWEST REGIONAL PLANNING COMMISSION

John Post	Executive Director
Dennis VanHoof	*CMDP Administrator

DEPARTMENT OF TRANSPORTATION

Philip Winkel	Chief, Planning Section
---------------	-------------------------

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

Harlan Clinkenbeard	Deputy Director
Don Reed	*CMDP Administrator

+ UNIVERSITY OF WISCONSIN-EXTENSION, ENVIRONMENTAL RESOURCES UNIT

Jim Purinton	*Coastal Specialist
--------------	---------------------

UNIVERSITY OF WISCONSIN-EXTENSION, GEOLOGICAL AND NATURAL HISTORY SURVEY

Meredith Ostrom	State Geologist
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UNIVERSITY OF WISCONSIN-SEA GRANT COLLEGE PROGRAM

Louie Echols	Associate Director
--------------	--------------------

* Indicates positions funded through the program.

+ Independent staffing for Citizens Advisory Committee.

Bay-Lake Regional Citizens' Task Force
on the Coastal Program

BROWN COUNTY

Carmella Blecha, Green Bay	James Maricque, Green Bay
Hank Bredael, Green Bay	Carol Schmitz, Suamico
Merle Emond, Green Bay	* Cora Stencil, Green Bay
Mrs. Norman Gerondale, Green Bay	William Thomasma, De Pere
Keith M. Hawks, Green Bay	Sue Whittemore, Green Bay

DOOR COUNTY

Laurence Daubner, Sister Bay	Fred Peterson, Sturgeon Bay
* Florence Dickinson, Sturgeon Bay	Edgar Rudolph, Sturgeon Bay
Howard Erickson, Fish Creek	Bill Skadden, Sturgeon Bay
* George Evenson, Sturgeon Bay	Bernice Wingers, Ellison Bay
Lawrence Johnson, Algoma	

KEWAUNEE COUNTY

Delbert Charles, Kewaunee	Gerald Haegele, Algoma
* Donald Dumman, Algoma	David Mueller, Kewaunee

MANITOWOC COUNTY

Bernard N. Brouchoud, Manitowoc	Winnifred Smith, Two Rivers
Herman Draheim, Manitowoc	Marilyn Sontag, Manitowoc
Joseph A. Muench, Manitowoc	Dr. Ted Taylor, Manitowoc
Dr. David Pfaffenbach, Manitowoc	Sister Julia Van Denack, Manitowoc
Roy Radandt, Manitowoc	Darlene Wellner, Two Rivers
Dale Schmook, Two Rivers	Gerome Wojta, Two Rivers
Katie Schuette, Cleveland	Mike Zielke, Two Rivers
* Jack Severson, Manitowoc	

MARINETTE COUNTY

Robert Angwall, Marinette	* John Saemann, Marinette
Mrs. J. W. Boren, Jr., Marinette	Walter Stepniak, Marinette
Mrs. Robert DeWitt, Marinette	

OCONTO COUNTY

Willard Allen, Little Suamico	Dean Swaer, Oconto
Robert Gilles, Oconto	Adeline Trask, Little Suamico
Robert LeTourneau, Oconto	

SHEBOYGAN COUNTY

Eldon Born, Sheboygan	Robert Ruloff, Cedar Grove
Carol Gross, Sheboygan	* Nancy Z. Schreiber, Sheboygan
Timothy Lorenz, Sheboygan	Hilmer Wagner, Cleveland
Michael Marcheske, Sheboygan	

* Persons are also members of state-wide Citizens Advisory Committee.

Bay-Lake Technical Advisory Committee
on the Coastal Program

Mr. William Bennett	UWEX-Marinette County, Chairman
Mr. Thomas Capelle	Northeastern Wis. Community Action Agency
Mr. Larry Decker	Area Conservationist, Soil Conservation Service
Mr. Stanley DeBoer	Wisconsin Department of Natural Resources, Green Bay
Mr. Ernest Ehrbahr	UWEX-Brown County, Chairman
Mr. Ron Fassbender	Wisconsin Department of Natural Resources Green Bay
Mr. Robert Florence	County Planning Director, Door County
Mr. Erich Franz	Lake Michigan Area Agency on Aging
Mr. Thomas Greenwood	City Planning Director, Manitowoc
Mr. Scott R. Hendrickson	UWEX-Manitowoc County
Mr. Richard Hoppe	U.S. Fish and Wildlife Service
Mr. Jerry Kirchner	Planning Director, Manitowoc County Planning & Park Commission
Mr. Mark J. Leider	City Planning Director, Sheboygan County Planning Department
Mr. Anthony Marini	U.S. Soil Conservation Service, Green Bay
Mr. Robert Mundelius	U.S. Army Corps of Engineers, Kewaunee Project Office
Mr. Frank Paquette	Director of City Development, Sheboygan
Mr. Bud Paruleski	Executive Director, Green Bay/Brown County Planning Commission
Mr. Dennis A. Peterson	Zoning Administrator, Florence County
Mr. Charles Ryan	Wisconsin Department of Transportation Green Bay
N. D. Schachtner	UWEX-Door County, Chairman

Mr. Mike Spranger

UWEX-Resource Agent, Oconto County

Mr. George Vellella

City Engineer, Marinette

Mr. Paul J. Wolske

UWEX-Kewaunee County

Executive Director

Northeast Wisconsin Health Systems
Agency

TECHNICAL AND CITIZEN ADVISORY COMMITTEE ON
COASTAL MANAGEMENT IN SOUTHEASTERN WISCONSIN

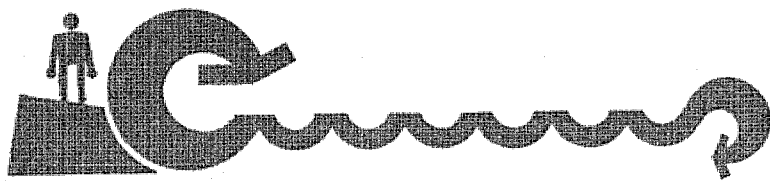
George C. Berteau Acting Chairman	SEWRPC Chairman, County of Racine
Hubert J. Albert	City of Port Washington Yacht Club
William J. Blong	Manager, Village of Fox Point
Robert J. Borchardt	Chief Engineer and General Manager Metropolitan Sewerage Commission
Josephine H. Boucher	North Shore League of Women Voters
Thomas H. Buestrin	SEWRPC Commissioner, Ozaukee County
Sol Burstein Lewis R. Dixon (alternate)	Executive Vice President Wisconsin Electric Power Company Senior Land Use Planner
Col. Benjamin Chapla	Health Officer, Town of Caledonia
Herbert A. Goetsch Donald Hoepfner (alternate)	Commissioner of Public Works City of Milwaukee Special Studies Engineer
Wayne E. Koessl	Supervisor, Town of Pleasant Prairie
Thomas A. Kroehn Bernard Schultz (alternate)	District Director, Wisconsin Department of Natural Resources Regional Engineer
Dr. Norman P. Lasca	Associate Professor, UW-Milwaukee Department of Geological Sciences
Elwin G. Leet	UWEX-Racine County, Chairman
Mayor Thomas P. Leisle	City of Mequon
Thomas Lisota	Alderman, City of Cudahy
Anthony L. Luljak	Alderman, City of Cudahy
Dr. Harold Mayer	Professor, UW-Milwaukee Department of Geography
R. Michael Mett	Supervisor, County of Milwaukee
Robert J. Mikula	General Manager, County of Milwaukee Park Commission

Dr. William G. Murphy	Professor, Soil Mechanics, College of Engineering, Marquette University
Mrs. Mary C. Nelson	Shoreline Property Owner; Alderman, City of South Milwaukee
William Nelson	Great Lakes Sport Fisherman Club
William T. Painter	President, Foundation Engineering Inc.
Francis J. Pitts	SEWRPC Commissioner, County of Kenosha
Fred R. Rehm	Milwaukee County Director of Environmental Services, Air Pollution Control Director
Ronald Rutkowski	Director of Public Works, Cudahy
Phil Sander	Executive Secretary, Southeastern Wisconsin Sportsmen's Federation
John A. Seefeldt	Port Director, City of Milwaukee Harbor Commission
Mayor James R. Stacker	City of Port Washington
Norbert S. Theine	Administrator, City of South Milwaukee

Northwestern Wisconsin Regional Planning Commission
Coastal Area Intergovernmental Technical Advisory Council

Mr. Robert Dusenbery Committee Chairman	NWRPC Commissioner
Mr. Kenneth Andrews	Red Cliff Tribal Council
Mr. Stephen Andrews	Project Director, Red Clay Project
Mr. Paul Brown	Douglas County Board Supervisor
Mayor Bruce Hagen	City of Superior
Mr. Jacob Heinlein	Bayfield County Zoning Administrator and Sanitary Inspector
Mayor Bruce Hendrickson	City of Ashland
Mr. Larry Hildebrandt	Zoning Administrator, Ashland County
Mr. Marvin Innes	Iron County Board Supervisor
Mr. Herb Kinney	UWEX-Iron County, Chairman
Mr. Peter Kuchan	Ashland County Zoning Commission
Mr. William Lehman	Planning Director, City of Superior
Mr. William Lontz	UW-Extension Areawide Land Use Agent
Mr. Harry Lowe	UWEX-Bayfield County, Chairman
Mr. Ray Maday	Bad River Tribal Council
Mayor Edith Merila	City of Washburn
Mr. Harold Olson	Zoning Administrator, Douglas County
Mr. John Post	Executive Director, NWRPC
Mr. Ray Polzin	UWEX-Douglas County, Chairman
Mr. Edwin Renoos	Chairman, Bayfield County Zoning Commission
Mr. John Sola	Zoning Administrator, Iron County
Mr. Dwaine Traeder	UWEX-Ashland County, Chairman
Mayor Lawrence Wachsmuth	City of Bayfield

D. HISTORY OF PROGRAM DEVELOPMENT



APPENDIX D. History of Wisconsin Coastal Program Development

1. Introduction

Wisconsin used to good advantage the Coastal Zone Management Act to carefully examine our Great Lakes resource. Through the help of citizens and experts, the Wisconsin Coastal Program has gained an understanding of conditions in our coastal areas and has found many problems and opportunities for potential coastal management. This appendix reviews activities undertaken since 1974 under shared state and federal funding and leading up to the public discussion of this proposal for improving coastal management.

2. Why did Wisconsin seek this federal funding?

In Wisconsin, coastal management revolves around shoreland issues of the Great Lakes. Because the Lakes mean recreation, jobs, security, and beauty to coastal citizens, many coastal residents have taken an aggressive role in making sure that public sentiment is reflected in the coastal management program.

Public concern led Wisconsin to pioneer with shoreland management legislation in 1965. This program now pertains to unincorporated coastal land within 1,000 feet of the shorelines of the Great Lakes, as well as inland lakes. Furthermore, several local communities have done a splendid job of planning their economic, recreational, and residential development to make the best use of their coastal locations.

In spite of a number of laudable efforts, some serious economic and environmental problems still exist along the Wisconsin coast. These include the highly erodible red clay soils, unplanned land development, jeopardized port facilities, water quality problems, expensive erosion damage to public and private shoreline, and the uneven distribution of a limited amount of public recreational access to the lakes.

Wisconsin voluntarily chose to apply for federal assistance to acquire better factual information about coastal resources, to encourage broad public awareness and discussion of coastal issues and to provide a forum for discussion of the future of these coastal resources. The first grant application was developed on behalf of the Governor through the cooperative efforts of state agencies, regional planning commissions and the University of Wisconsin system over the period September 1973-April 1974.

3. Brief Overview of Three Annual Grants for Program Development

Wisconsin received an initial federal grant of \$208,000 matched by \$146,000 state effort for the year beginning June 1, 1974. First year grant activities included:

- a. Establishment of intergovernmental arrangements to ensure coordination between various governmental agencies;

- b. Initiation of baseline inventories of coastal resources;
- c. Initiation of public participatory programs to aid in the development and evaluation of a management program;
- d. Analysis of major coastal issues leading to alternative public policies for future public discussion;
- e. Conduct of technical background studies to provide information for decision-making; and
- f. Program grant administration.

Wisconsin received a second annual federal grant of \$340,000 matched by \$171,700 of state funds for the year June 1, 1975 to May 31, 1976. Work efforts related to:

- a. Continuation of intergovernmental arrangements, including support of the Coordinating and Advisory Council;
- b. Completion of data base;
- c. Continuation of public awareness and participation activities, including support of a State Citizens Advisory Committee and three regional technical and citizen advisory committees;
- d. Public review and revision of draft policy studies;
- e. Development of supporting technical studies; and
- f. Program grant administration.

Near the end of the second grant, Wisconsin requested and received a four-month supplement of \$219,800, matched by \$112,000 of state effort. In the period from June 1st through September 30th, the Program concentrated on developing a framework for a coastal management program and encouraging public discussion of the future of the Great Lakes during the gubernatorially proclaimed Great Lakes Awareness Month, September 1976.

The third annual grant for Wisconsin was for the period from October 1, 1976 to September 30, 1977. The federal grant of \$502,000, matched by \$125,500 of state effort, concentrated on:

- a. Development of working papers on the major parts of the Proposal (Framework for a Potential Wisconsin Coastal Management Program and Working Papers: #1 Subject matter and boundaries, #2 State level organization for program implementation, #3 Program goals and #4 Program funding) during fall-winter 1976-77 preliminary to Council adoption in February 1977 of a proposal for public review;

- b. Public involvement and consultation, including support of the various committee's review of the working papers and the eleven public hearings in May-June 1977 on the Proposal;
- c. Joint Coordinating and Advisory Council and Citizens Advisory Committee evaluation of public comment on the Proposal, revision and recommendation to the Governor in June 1977;
- d. Improving coastal management by initiating a few demonstration projects on how to improve governmental effectiveness and coordination; and
- e. Program grant administration.

Wisconsin requested and received a Section 305(d) federal grant of \$413,556 matched by \$103,389 of state effort to cover the six to eight months of NEPA review of the Wisconsin Coastal Management Program. Work efforts relate to:

- a. Establishment of the new Coastal Management Council by Executive Order, appointment of the new Citizens Advisory Committee and refinement of interagency agreements to conduct the management program;
- b. Complete the nomination, public review and formal designation of specific geographic areas of management concern;
- c. Participate in the federal review process; and conduct complementary public information activities in Wisconsin;
- d. Improve coastal management by initiating six-month projects related to pressing coastal issues; and
- e. Program grant administration.

The details of work effort accomplished under these various grants are found in quarterly performance reports which are available upon request. The annual grant applications receive Council approval and A-95 review prior to submission to the federal Office of Coastal Zone Management.

4. Concern for Public and Intergovernmental Involvement

Wisconsin is a home-rule state, one whose citizens are sensitive about their right to be an integral part of government. So a central part of structuring a Wisconsin coastal management plan has been public involvement.

Public involvement was built into the program from the outset. Governor Patrick J. Lucey appointed a 26-member Coastal Coordinating and Advisory Council in 1974. In the three years since its inception, Wisconsin's coastal program has grown into an effort actively involving more than 250 citizens, local officials, state officials, special interest group representatives, and agency representatives.

The Coastal Management Program is administered through the Office of State Planning and Energy. The program is tied to the governor's office through a staff agency rather than through a line agency. This assures that coastal management is not singularly focused on environmental issues, transportation concerns, economic development, or regulatory concerns, but rather maintains a more comprehensive perspective.

The Coastal Coordinating and Advisory Council guided the state's development and evaluation of the program and was similar to the new Coastal Management Council which will guide the Management Program under S.306. The early Council was co-chaired by a state agency official and a representative of regional and local concerns. The membership will continue to include representatives of county, city, and village governments, regional planning commissions, the state legislature, and state agencies. Close ties are maintained with the nationally recognized Sea Grant College Program and the active University Extension program, in the form of membership on the Council. Early efforts to involve the two coastal Tribal governments has lead to voting seats for the Red Cliff and Bad River Tribal governments on the Council.

Working side by side with the Council was a Citizens Advisory Committee made up entirely of coastal citizens. The members of this committee were selected with great care in order to provide a diverse forum where business, environmental, public interest, farmer, and other groups would have an opportunity to discuss coastal issues, identify conflicting views, and provide advice to the Council. The group had its own staff and a free rein to draw its own role and responsibilities in coastal management work. Under 306 this arrangement will continue.

The Wisconsin coastal area includes three regional planning commission jurisdictions. On Lake Superior the Northwest Regional Planning Commission has a long history of involvement in economic development and resource protection. Green Bay and northern Lake Michigan are in the Bay-Lake Regional Planning Commission area, and the southern stretch of Lake Michigan, the most highly urbanized and industrialized section of our coast, falls within the Southeastern Wisconsin Regional Planning Commission area. In each of these regions a citizen and technical advisory committee was established to advise the regional planning commission on appropriate activities for participation in the coastal program. These regional bodies will continue to provide a regional perspective on policy issues and review and comment on Council actions.

In addition to this network, the Council conducted a meeting "travelogue." Over the first year and a half, until it became deeply involved in technical working sessions, the Council held its meetings in coastal communities, listening to elected officials and residents talk about local problems, and gathering firsthand experience of the coast. In becoming more familiar with Wisconsin's total coastal resource, Council members broadened their outlook from that of a specific interest or area to a regional and even statewide perspective.

When an extra push was necessary in public involvement, the Coastal Management Program launched its own media and public awareness campaign. In fall 1976, in conjunction with a round of 14 public meetings (documented in Coastal Concerns, May 1977), a four-page newspaper supplement and questionnaire (documented in Coastal Survey, April 1977 and included in Appendix E) was used, asking people to express their personal feelings about the issues and problems related to Lake Michigan and Lake Superior. In addition, staff attempted to focus media attention on the meetings of the Coordinating and Advisory Council, the publication of coastal program documents and special projects.

The Council discussion of alternatives and public concerns throughout 1976 lead to development and circulation of a series of working papers (see Bibliography Appendix G) on state options for comment in fall-winter 1976. Comments provided the Council with an adequate understanding of citizen and government viewpoints to pull together one proposal and adopt in February 25, 1977, a preliminary program proposal for public review. The Proposal with environmental and economic impact assessment as an appendix was widely distributed in April. Eleven public hearings were held in Wisconsin in May and June prior to a joint meeting of the Coordinating and Advisory Council and the Citizens Advisory Committee, June 23-24, 1977. No agency found the Program policies and objectives inconsistent with adopted plans and policies. See Table 7 for relevant state, regional and local plans and ordinances.

These comments, documented in Response to Coastal Management Program Proposal June 1977, were discussed and individual sections were revised as necessary before formal adoption. The Council then presented its recommendation to the Governor on June 24th, to proceed to seek Section 306 CZMA approval of the Program. On June 30, 1977, the Coastal Program staff met with 16 federal agency contacts to discuss at length their concerns about federal-state coordination and suggestions for improving the clarity of the document. After incorporating these additional materials, the Governor approved submittal in mid-summer 1977. The Wisconsin Program was accepted by the Secretary of Commerce in mid-September 1977 and is now receiving NEPA review.

5. Coastal Issue Studies

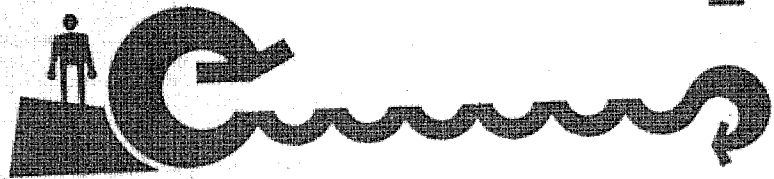
Wisconsin's coastal program began to perform a role of public education and serious analysis for state and local government by assembling a description of the situation in issue areas--such as erosion, ports, public access, and the recreation economy--and laying out the basic alternatives available to individuals and government for dealing with them.

Take erosion as an example. This issue is considered by many coastal residents to be the most pressing problem on the lakes. The Coastal Management Program compiled existing research and aerial photography and has undertaken a set of field and research studies needed to develop structural and nonstructural alternative measures

for coping with lakeshore erosion. The work has had immediate value. The studies have improved Wisconsin's ability to take part in dredge and fill permit processes on the Great Lakes. In the future, they will form the basis for technical assistance to local officials and private property owners who must deal with erosion.

Other policy reports have also been put to immediate use. The ports study has been used by the bi-state committee on the future of Duluth-Superior. The various studies on recreation are being used by state agencies, local communities and private consulting firms.

Demonstration projects stemmed largely from Coastal Management Program policy studies. For instance, our concern for providing adequate data for local erosion and zoning decisions prompted the Council to fund a county topographical mapping project in southeast Wisconsin. Concern about the future of the Superior Port area prompted the Council to fund a small but necessary work effort related to the development of recreational activities on Barker's Island. The policy issue of recreational public access, especially in highly urbanized areas, led the coastal program to assist community organizations in the Milwaukee area in gaining special federal funding for a demonstration project for a Milwaukee sailing club, opening up the coastal recreational resource to more people. These projects are often one-shot funding opportunities for the coastal program, but they provide the catalyst for local discussion of coastal issues and provide a demonstration of actual programs as examples or models for transfer to other coastal communities. Additional efforts are now underway under the Section 305(d) grant.



Appendix E: Public Participation in Program Development

Introduction

This Appendix tries to answer the question:

"Did public participation affect the development of the Wisconsin Coastal Management Program?"

The answer is provided through:

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UNIVERSITY OF WISCONSIN-EXTENSION

30 UNIVERSITY AVENUE MADISON WISCONSIN 53706 AREA CODE 608/262-4000

ENVIRONMENTAL RESOURCES UNIT

MEMO TO: Caryl Terrell, Coastal Zone Planner

FROM: Gene Woack, Coastal Zone Specialist

DATE: August 12, 1975

RE: Addenda to the Quarterly Progress Reports for the Initial Grant Year

I have prepared the following in response to your request for a summary statement of citizen dialogue and commentary on the coastal zone management development program.

In the future, I would hope to provide you with the information which you desire for your reports to NOAA, through single-page "trip reports" for meetings with public groups and "advisory reports" and "minutes of meetings" of the state Citizens Advisory Committee." The latter are already available, but I could revise the format to provide for this additional use.

For the sake of expediency and elimination of redundancy, I have omitted reference to dialogue and comment arising at meetings -- which I have attended -- conducted by the regional planning commissions, participating state agencies and university programs, and policy study contractors.

OBSERVATIONS AND CITIZEN COMMENTS

The involvement of the public during the initial grant year has been almost solely concerned with information and orientation as regards the management development program, and with dialogue about issues. It has been interesting to note that the dialogue on issues has exhibited at least two significant aspects.

First, the issues discussed have been more basic and more significant to statewide planning as a whole than those considered as "coastal zone" issues. An example has been the concern over the future of regional and state planning, with emphasis on the polarization between citizens and professional planners. In essence, the public with which I have had contact appears to support the concept of public planning and in general supports the practice

of planning; however, they are concerned that the planners and the public are not communicating. This lack of communication is said to be one reason for lack of public support for planning programs. Yet, this lack is also seen as an opportunity for a third party -- such as the CZM citizens advisory committee -- to act as a two-way communicator.

Secondly, the issues discussed have exhibited definite regional variation in terms of importance and have included issues other than those specifically included in the first year management development program. The most obvious example of the latter has been local concern over lake shore erosion and the related issue of lake levels.

One other general observation, which of itself creates a problem and must be considered a communication objective, is the public reaction to the concept of a new "program," especially one with the alien title "coastal zone." The successful resolve of this problem appears to be the public's acceptance and appreciation of a short term effort to evaluate ongoing programs in light of the yet unresolved problems. Related to this observation are the questions raised concerning the relationship between this effort and other ongoing programs. This is of special concern in cases of major or locally identifiable issues, such as water quality, and those efforts involving large amounts of public funds, such as Federal EPA, COE and USDA programs.

Public perception of issues has included concern over the energy crisis and its impact upon power plant and transmission line siting (especially nuclear reactors), and its impact upon local recreational resources, facilities and businesses. Economic and social well-being have been discussed in the context of concern over the need versus the impact of industrial and commercial development. The statements on development to date, however, appear to lack the involvement and expression of urban blue collar workers and industrial developers. This is recognized and can be programmed for a balanced involvement program.

An issue, related to the two above, which has been raised is that of the increased cost of access to recreation pursuits with a decrease in the quality and an increase in the congestion, especially in the urban areas along the lake shores. It was suggested by the Citizen's Advisory Committee that this aspect of cost be considered in the derivation of state policy regarding public access to the coastal zone.

The issue of port development has been viewed in the broader context of multi-mode transportation planning on a statewide level by some, while others are concerned with the issues of local ports, such as continuation of service, improvements, and use for recreation in conjunction with or rather than commercial traffic. These are not necessarily mutually exclusive, but they do reflect a difference in the perspectives and priorities of the publics which must be recognized in an involvement effort dealing with policy derivation.

Fisheries, be they for sport, commercial harvest, or as a subject of legal rights have been raised along both lake shores. This subject is one example of where ongoing discussion, planning and programming by agencies involved in the CZM program is carrying over into the forums of discussion regarding the management of the coastal zone per se.

The most dramatic commentary on an issue, and again one which involves public involvement in CZM as well as ongoing programs is that of lake levels and shoreline erosion.

These and many other issues are being discussed or questioned by the attendees at meetings, etc., and in addition all seek the answer to the most obvious question -- What will be done to resolve the problem, when will it be done, and what can this program do that others have not?

GAW/nec

Evaluation of Public Participation

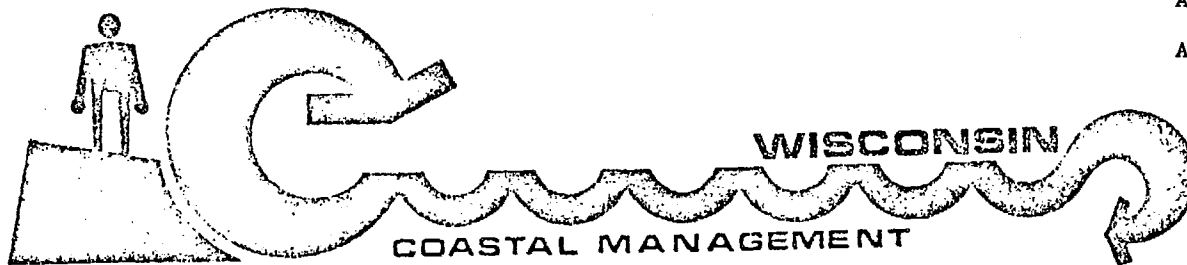
in the Wisconsin Coastal Management Program 1974 to May 1976

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Prepared by:

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SUMMARY

Since its establishment in 1974, the Wisconsin Coastal Management Program has been in an institution building and pre-planning phase to determine whether or not state coastal management was feasible within the Wisconsin governmental network. Public participation during this period has been primarily through steering committees, the State Coordinating and Advisory Council, and state and regional Citizens Advisory Committees.

The citizen participation strategy has been to have a series of public information meetings with elected public officials during June and July, 1976 to inform them about the coastal program and policy options available, to be followed by a series of public meetings in the fall of 1976, with a subsequent round of public hearings in early 1977.

Does the Wisconsin Coastal Management Program meet the criteria established by the Washington League of Women Voters study?

Question 1: Has the Coastal Management project effectively identified impacted or potentially impacted publics?

Answer: It has partially identified publics---it has not maintained updated lists at the state level; it has yet to identify all potentially impacted citizens at the regional level. It has not planned adequately for input from state citizens not residing in the coastal counties.

Question 2: Has it effectively notified impacted publics and the general public, or have a developed plan to do so?

Answer: The state has developed a work plan to provide a public education campaign related to proposed public meetings. There are no developed work plans for continuous public information programs which are coordinated at state and regional levels. This situation may be improved as the state and regions work together on the proposed public hearings.

Question 3: Has the Coastal Management Program fully informed publics about the project? Does it:

- a) present viable alternatives, including "no action"?
- b) not raise unreal expectations?
- c) provide adequate background information?
- d) increase public awareness of problems; clarify and define problems?
- e) present relationship between this and other projects?
- f) inform about the public participation program itself?
- g) provide information on how the decisions can be influenced, including the final decision?

Answer: Most of the public information efforts are in a developmental stage. These criteria should be used as guidelines to ensure adequate coverage. Major weaknesses in planned programming are the lack of a long range public information plan after the initial campaign at both local and state levels, and the lack of a plan to monitor effectiveness during the process at both levels.

Question 4: Does the Coastal Management Program seek representation from impacted and general public in a citizen participation program?

- a) by all publics?
- b) at the earliest stages of planning?
- c) provide for continuity in participation?
- d) provide for convenient means of participating?
- e) provide multiple and alternate ways of participating?

Answer: The citizen advisory groups provide the inputs at both local and state levels. They were originally intended to provide continuity and "represent all publics."

Multiple approaches are currently being developed for broader-based participation through a series of public meetings. The state is also considering a mail or newspaper questionnaire which would be concurrent with public meetings as a convenient alternate form of input. Regional Planning Commissions have effectively utilized technical assistance as the primary interagency linkage to local governmental units, but have not designed alternate methods for citizens at large.

Question 5: Has the Coastal Management Program established a genuine two-way communication? Does it fully solicit views from all publics?

- a) involve citizens in setting goals?
- b) involve citizens in preparing plans?
- c) involve citizens in development of objectives to meet goals?
- d) involve citizens in decisions/planning for implementing goals?
- e) involve citizens in evaluation of program impact?
- f) is it fully open to public input?

Answer: This set of questions must be answered negatively at the present moment. Not all publics have been involved in setting systems goals, preparing plans, etc. to date. This does not, however, stand as a major criticism of the state, Coastal Management, or Regional Commissions. Research in the establishment of major social innovation ('system' as opposed to 'program' change) has shown that the initial thrust has rarely been through citizen involvement, but rather through the creative spark of a single set of "movers and shakers." Subsequent modification improvements come from citizen input. In the future, planned input of citizen preferences in the policy option phase and in subsequent program goal generation should be integrated to the Regional Planning Commission work plans.

Does the Coastal Management fully respond to public views and input by:

- a) acknowledging receipt of public views?
- b) showing how views were used or not used?
- c) explaining criteria for evaluation and use of public views?
- d) having a demonstrable effect upon agencies' planning?

Answer: This is the weakest aspect of the Coastal Management Program. While there is adequate proof that citizens on committees have had major impact upon decisions made at all levels, no consistent procedures have been developed to acknowledge receipt of input, record varying points of view, or provide feedback to participating citizens.

Question 6: Does the Coastal Management Program provide a means of communication among segments of the public? Does it:

- a) provide a means for effectively debating conflicting views?
- b) provide coordination among citizen participation efforts within the Coastal Management project? and with other programs and projects at all levels?

Answer:

- a) The Coastal Management Council and the Citizens Advisory Committee members were chosen to represent varying points of view to promote the discussion and problem-solving between conflicting interest groups. Norms for Council interaction have developed; conflicting points of view are welcome and respected as helpful to the development of the best feasible solutions.
- b) Coordination between participation efforts in the project itself occur through: 1) a staff committee, with all state and regional participants represented, and 2) overlapping memberships on the Council and Citizen and Technical Advisory Committees, but there are still communication gaps to be overcome. The staff and citizen councils have recently initiated one-page news sheets which will be helpful in the regular transfer of information.

Relatively little coordination and collaboration has been done between Coastal Management public participation programs and public participation programs of other state and regional departments and organizations. The University of Wisconsin Coastal Management Specialist recently appointed will, however, be working to develop and improve coordination at the state level.

Question 7: Has the Coastal Management Program developed a working partnership between the public and the Coastal Management agencies, involving true collaboration in planning---as distinguished from communication about plans?

Answer: This type of continuous interaction has begun to occur between the State Citizens Advisory Committee and the state Council and staff. Such interaction needs to be more actively promoted during the next year by the University of Wisconsin Coastal Management Specialist, who serves as a liaison between the state citizens group and the Coastal Management Program staff and Council. Input from regional Technical and Citizens Advisory Committees should increase during the next year as the program moves from the study to the action phase.

Question 8: Did the Coastal Management Program attempt/succeed in developing a continuing relation between public and local government/agency beyond the immediate program?

Answer: It would be premature to judge whether public participation will in fact continue into the management phase. The management plan should provide incentives for broader based participation, using more than the limited advisory committee and public hearing approaches, to guarantee input from all publics---not just those who are vested with property ownership and/or economic interests.

Question 9: Has the Coastal Management Program increased the willingness of the agencies to assess and respond to public needs?

Answer: Evaluation would be premature at this early stage of the planning process.

COASTAL SURVEY

ANALYSIS OF PUBLIC COMMENTS ON THE COASTAL MANAGEMENT QUESTIONNAIRE APRIL 1977

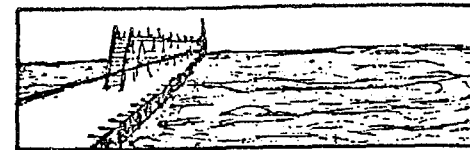
INTRODUCTION

"SAVE THE LAKE!" one Lake Michigan resident scrawled in red magic marker across his Coastal Management Questionnaire. "Don't let Lake Superior become like Lake Erie," wrote another citizen.

In the Fall of 1976 the Coastal Coordinating and Advisory Council undertook a survey to determine public sentiment on a series of issues germane to a potential Coastal Management Program. Questionnaires were distributed through coastal area newspapers, at public informational meetings and upon request. Citizens were asked to express their views on coastal concerns including economic development, recreation, natural resource management, community development, shore erosion and public involvement.

The survey was not designed to research a scientifically determined sample, but rather, to give those persons who had an interest in the Program a chance to express their views and to aid the Council in developing a coastal management proposal for Wisconsin. Over 1500 were completed by residents of both coastal and inland counties.

This report is an analysis of the survey. Following this summary, the first chapter reviews the responses question-by-question. The second chapter presents an analysis of how coastal property ownership affected survey responses. Appendix A provides survey data on a county and regional basis.



Some of the results of the questionnaire campaign were surprising. For example, water quality was listed by most citizens as their most important concern on the Great Lakes. It was marked the No. 1 problem by 87% of those who responded. Erosion, which many members of the coastal program staff thought would be ranked the first concern, ranked second with 67% response.

On other questions, there was near unanimity among the diverse people filling out questionnaires. Citizens were overwhelmingly in support of efforts to protect the coastlines' environment and natural resources. The protection of key natural areas, wildlife habitat and wetlands received the support of more than 90% of those who responded.

And, in a state traditionally declared to "home rule" politics, there were some enlightening responses to how tough a management program should be. For example, 86% of those who filled out questionnaires said that all coastal towns, villages and cities should have coastal management standards if such standards are established. A majority of respondents (51%) also said they believed that the local regulation of coastal areas should be mandatory rather voluntary.

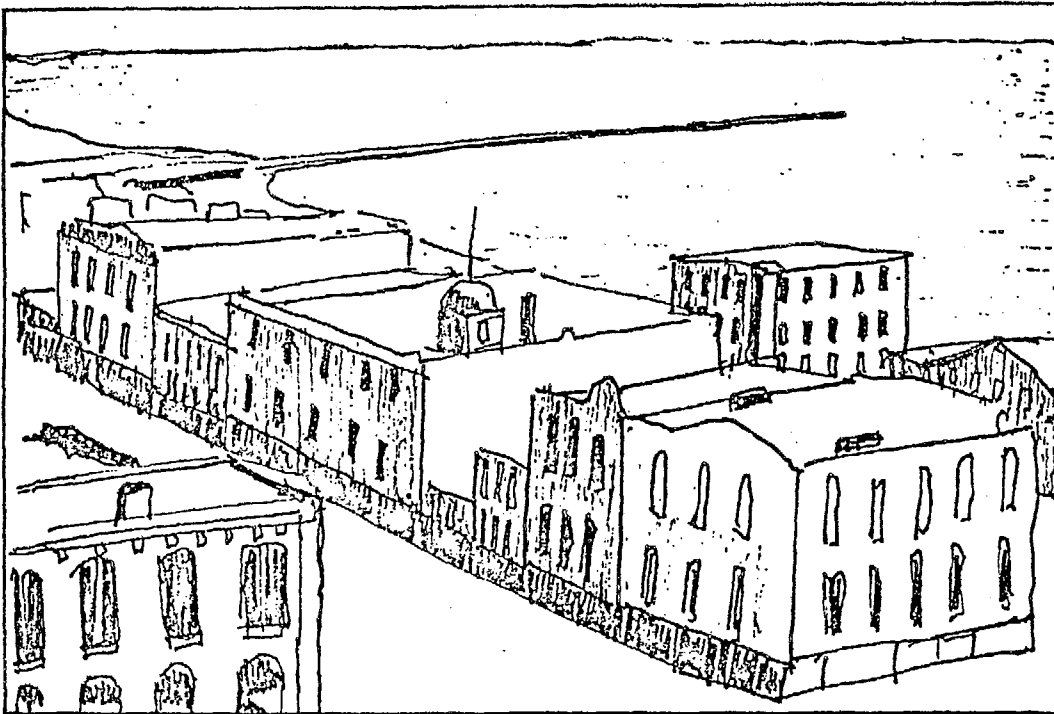
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REVIEW OF RESPONSE TO THE COASTAL MANAGEMENT QUESTIONNAIRE

This chapter presents and discusses the results of the coastal management questionnaire. The discussion is organized to parallel the Coastal Goals report.* In general, every question is listed along with its statewide response. This is followed by a brief statewide analysis, and discussion of any significant regional variation. Finally, comments which were repeated a significant number of times are summarized for each question.

One should keep in mind while reviewing the results that not all people responded to all questions. However, percentage figures were generally calculated from the total number of questionnaires. Therefore, a "yes" response of 60% does not necessarily mean a "no" response of "40%". In some cases, "no opinion" was a third option, and on all questions a certain number of respondents did not answer the question at all (typically 1% - 5%). On several questions respondents were invited to check more than one option, therefore, not all percentages will add to 100%. For a complete listing of results by county, region, and statewide, see Appendix A.



*Working Paper 3, Wisconsin Coastal Coordinating and Advisory Council, January 1977.

The first concern of a potential coastal management program was to decide what problems or issues will be addressed by the program. The following two questions deal with broad areas, providing direction for potential management attention.

1. In the coastal community with which you are most familiar, what do you feel are the five most important Great Lakes concerns? (listed in order of the highest scoring response first) (Question 1)*

Water quality	87%
Erosion	67%
Natural resources	57%
Public recreational access to the Great Lakes	48%
Lake levels	41%
Great Lakes fisheries	37%
Shore use in urban coastal areas	35%
Commercial ports	32%
Power plants	30%
Shore use in rural coastal areas	30%
Tourism	18%
Federal agency activities	10%
Other	12%

The response indicates a strong concern for water quality and erosion, with several other major concerns that relate closely to natural resources.

Although the different regions of the state generally conformed to the overall state response on this question, different concerns are more highly emphasized in different regions.** The highest response for water quality came from the inland (non-coastal residents) and the south Lake Michigan areas, with 89% and 91% responses, respectively. One might expect residents in the southeastern part of the state to be more concerned with water quality due to their more severe problems, but the in-state response is not so easily explained. The highest concern for erosion (81%) came from the Lake Superior region, while the lowest (62%) came from the inland respondents. Lake levels are seen as an important concern in the Lake Superior and north Lake Michigan regions, scoring 64% and 53%, respectively. The highest response (54%) to the "public recreational access" concern came from inland persons, while the coastal respondents were not far behind (36% to 50%).

Written comments received on this question ranged from those that felt that all of the listed concerns were important, to those that said either water quality or lake levels override all other concerns. A few respondents felt that the term "natural resources" was too broad or vague an option.

*Designates the original question number on the Coastal Management Questionnaire

**For the purposes of this survey, "South Lake Michigan" includes Kenosha, Racine, Milwaukee, and Ozaukee Counties; "North Lake Michigan" includes Sheboygan, Manitowoc, Kewaunee, Door, Brown, Oconto, and Marinette Counties; "Lake Superior" includes Iron, Ashland, Bayfield, and Douglas Counties; and "inland" includes all other counties.

2. If created, what should a Coastal Program emphasize? (listed in order of highest scoring concern first) (Question 24).

Studying specific coastal problems and seeking necessary support and funding for solutions 68%
 Acquiring or managing important natural areas 58%
 Providing technical assistance to local governments which are evaluating coastal development 53%
 Providing beach, boating and scenic access to the Great Lakes 38%
 Protecting historic sites, buildings and districts 29%
 Planning for and promoting coastal commercial and industrial development 18%
 Funding pilot recreational projects for low income people 9%
 Other 3%

One could infer from these results that respondents felt a Coastal Program should not try to accomplish everything. The strongest response supported the notion that the Program work on specific coastal problems. Acquiring key natural areas and providing technical assistance to aid local governments in evaluating coastal development proposals are seen as significant goals to emphasize.

The top three areas of program emphasis statewide were also chosen in each of the regions, but some variation comes through in the order in which these are ranked. While "studying specific coastal problems" received the highest vote in all of the regions, second place went to "providing technical assistance" in the Lake Superior and north Lake Michigan regions. South Lake Michigan and inland respondents felt that "acquiring and managing important natural areas" was of greater concern than technical assistance to localities which was ranked third.

A few people commented on this question that all of the options were important and others stressed again that water quality should be the number one area of emphasis.

Other general comments received on the questionnaire included those where respondents felt too much emphasis was being placed in the survey on economic development. They felt natural resource protection should outweigh economic concerns. Many felt that the private sector was able to promote business on its own. Some felt that all shorelines should be made public or at least kept in a natural condition. A number of comments asserted that local governments should be the dominant force in coastal management. A number of respondents also suggested that there should be no Coastal Management Program at all and expressed concern about the growth in governmental bureaucracy.

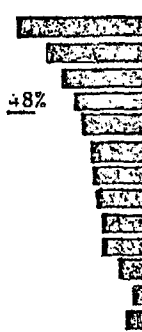


Generally on Coastal Management

The first concern of a potential coastal management program was to decide what problems or issues will be addressed by the program. The following two questions deal with broad areas, providing direction for potential management attention.

1. In the coastal community with which you are most familiar, what do you feel are the five most important Great Lakes concerns* (listed in order of the highest scoring response first) (Question 1)*

Water quality 87%
 Erosion 67%
 Natural resources 57%
 Public recreational access to the Great Lakes 48%
 Lake levels 41%
 Great Lakes fisheries 37%
 Shore use in urban coastal areas 35%
 Commercial ports 32%
 Power plants 30%
 Shore use in rural coastal areas 30%
 Tourism 18%
 Federal agency activities 10%
 Other 12%



The response indicates a strong concern for water quality and erosion, with several other major concerns that relate closely to natural resources.

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Written comments received on this question ranged from those that felt that all of the listed concerns were important, to those that said either water quality or lake levels override all other concerns. A few respondents felt that the term "natural resources" was too broad or vague an option.

*Designates the original question number on the Coastal Management Questionnaire

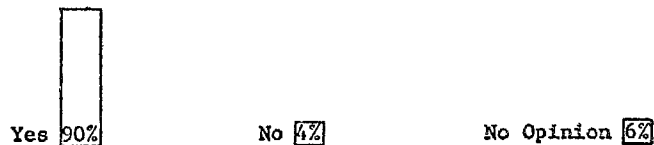
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Coastal Resources

Coastal Water Resources

The results of the following question underscore the strong feeling respondents display toward improving and maintaining water quality.

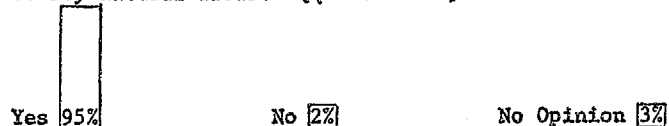
1. Should there be regulations on erosion and runoff from farmland and construction sites which are degrading the quality of coastal waters? (Question 13)



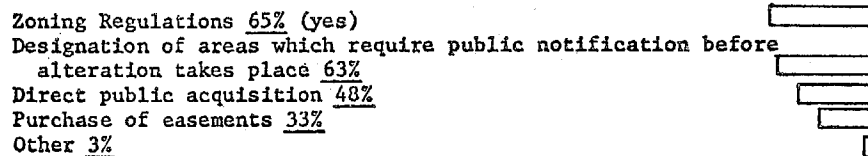
Special Coastal Land and Water Resources

Another question aimed at evoking the public's attitude toward the protection of key natural areas received a heavy positive response.

1. If there is a Coastal Program, should it encourage the protection of key natural areas? (Question 11)



This question received the strongest positive response of any in the survey. It implies a major direction for a Coastal Program. In addition, respondents were asked how protection should be accomplished. The alternatives (listed in order of the highest scoring first) were:



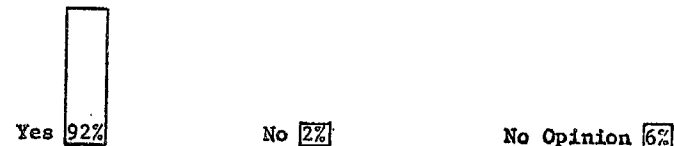
These results suggest that respondents preferred regulation over acquisition. The lower response for purchase of easements might be due to a lack of familiarity with the less costly easement acquisition approach.

Although reaction to the prospect of protecting key natural areas was high across all regions, inland responses came in with 98% favoring this policy. Inland respondents also gave the strongest support for the various protection measures. Even though north Lake Michigan people gave least support for the different measures, a majority still supported "zoning" or "public notification" as protective measures, 61% and 59%, respectively.

A number of written comments suggested that any protective tool that works should be utilized. Some respondents felt that the best combination should be used according to the particular situation.

Public concern over natural resources and important natural areas is highlighted by the response to the following question on wetlands.

2. Should Great Lakes wetlands be protected for use by spawning fish and other wildlife? (Question 12)

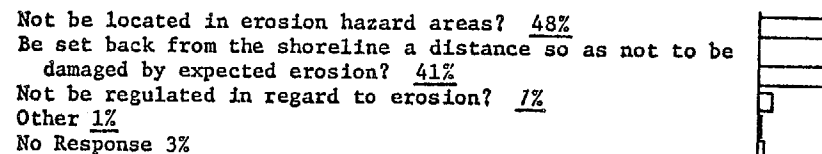


Wetlands are viewed as a major concern of the coastal program. The vast majority of respondents felt that these natural areas should be protected for low intensity use.

Coastal Hazard Areas

The following three questions demonstrate the attitude respondents display toward shoreline erosion hazard areas and erosion protection structures.

1. Should new structures: (Question 17)

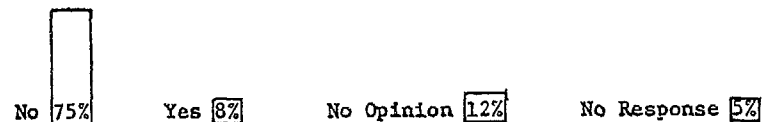


If one combines the first two options it appears evident that respondents feel new structures should be regulated in erosion hazard areas (89%), either by prohibition or shoreline setback requirements.*

Although coastal regional responses did not differ significantly from the statewide totals, inland people felt more strongly (57%) that new structures should not be located in erosion hazard areas. Adding the first and second options, 93% of inland respondents felt that some regulation is necessary.

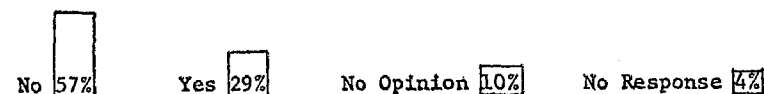
* Although not tabulated as such above, several of the people who checked the first option also checked the second.

2. Should the placement of new erosion protection structures be allowed if they make erosion worse on neighboring properties? (Question 18)



Although all regional tallies showed strong "no" responses to this question, Lake Superior areas residents responded most heavily negative (87%). A few respondents commented that this was a "dumb" question with only one answer. Others called for coordination and cooperation among adjacent property owners to solve the structure problem.

3. Should tax dollars be spent to protect private property from erosion damage? (There is no law which allows such spending now.) (Question 19)



Most respondents felt that public funds should not be spent to protect private property from shoreline erosion.

The most significant deviation from the generally negative reaction to spending public funds came from the Lake Superior region where residents favored (54%) the expenditure of public dollars for protection of private property from erosion damage.

A relatively large portion of respondents (22%) made written comments on this question. Many claimed that property owners took their chances when they bought and built along the coast and should not be bailed out now with tax dollars. Others commented, however, that property owners should be compensated if the erosion is caused by public policy encouraging high lake levels. Alternatives for financial aid, such as a cost sharing formula or low interest loans, were suggested. Others felt that a tax break would be a better way to handle the situation, and a number thought public aid should be restricted to technical assistance only.

A number of respondents suggested that public financial assistance be provided to private property owners only on the condition that the landowners give public access to the shoreline. A few respondents expressed concern that the aid not encourage further development in erosion hazard areas.

Coastal Development

Community Development

A number of questions were aimed at determining public attitude toward coastal construction and plans. Respondents expressed a significant concern over where development takes place in the coastal area.

1. Should new construction: (Question 7)

In certain areas be limited to those buildings which must have a waterside location? 36% (Yes)
Always be limited to those buildings which must have a waterside location? 26%
Never be limited on this basis alone? 26%
 Other 3%
 No response 9%

If one adds the results of the first two alternatives, 62% of the respondents felt that new construction should be controlled along the waterside, at least in certain areas.

Lake Superior area residents were least receptive (16%) to the idea of limiting all new coastal construction to those buildings which must have a waterside location. At the same time they were the most receptive (43%) to limiting new construction in "certain areas". Adding the results from these two options, inland respondents displayed the strongest feeling (67%) that some sort of siting control should cover new coastal construction, while the north Lake Michigan region displayed the lowest response (57%).

Written comments on a number of questionnaires claimed that the question was poorly written or they didn't understand. Others claimed that there should be no new construction, or it should be minimized where possible.

2. Should new residential subdivisions seeking a shoreland location: (Question 15)

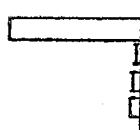
Be set away from the shore? 70% (Yes)
 Be near the shore but designed to keep shorelines open for public use? 52%
 Be adjacent to or within existing developed areas? 50%
 Be near the shore but designed to keep shorelines open for subdivision residents only? 9%
 Other 3%

The response to this question suggests that shoreline areas should be open for public use or visual access. A number of written comments suggested that new subdivision should not be located in shoreland areas at all.

Respondents in all regions felt strongest about setting new subdivisions away from shore, with inland people scoring highest (77%). While 57% of the inland respondents also felt that new subdivisions should be adjacent to or within existing developed areas, only 47% of all Lake Michigan respondents felt the same way.

3. If minimum coastal management standards are established, should they cover: (Question 22)

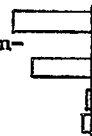
All coastal towns, villages and cities? 86%
 Only in unincorporated areas? 3%
 Other? 5%
 No response 6%



A surprising 86% of the respondents felt that minimum standards should cover all coastal areas. Moreover, written comments suggested some confusion over the first option. Many apparently thought that it referred to incorporated areas only and stressed that minimum standards should cover all coastal areas.

4. If a Coastal Program is begun, it will rely in part on local planning and regulation. Should they be: (Question 23)

Mandatory with state help? 51%
 Voluntary with financial aid and technical help as incentives 40%
 Other? 3%
 No response 6%

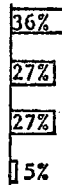


A bare majority of respondents felt that local planning and regulation should be mandatory, although a substantial portion (40%) felt that it should be voluntary. In either case, financial and technical help should be a major program area according to this response.

Lake Superior respondents and south Lake Michigan respondents barely supported (51%) mandatory local planning and regulation over voluntary efforts. While inland residents most strongly favored the mandatory approach (61%), north Lake Michigan respondents favored the voluntary approach (46%) over the mandatory (43%).

5. Which of the following should be included in community coastal development plans? (Question 14)

Design and location of commercial, industrial and residential
 Provision of recreational opportunities, for residents
 Preservation of important cultural and historic buildings, sites, and districts
 Other



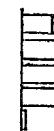
Each of these components was viewed by the respondents, in general as being approximately equal in importance to the others. Although design and location of commercial, etc., received the highest number of first place votes, the other options were not far behind. A number of written comments claimed that all were important. One could therefore conclude that all three of the above elements should be included in local community development plans. In addition, many respondents added a fourth category alluding to the preservation of natural areas and stressed the importance of its inclusion in community plans.

Economic Development

The following questions, posed to elicit a feel for economic development issues, received a mixed response.

1. For economic development purposes, should Wisconsin promote greater use of the Great Lakes shore and water? (Question 2)

Yes, strongly agree 20%
 Yes, agree 28%
 No, disagree 24%
 No, strongly disagree 25%
 No response 3%



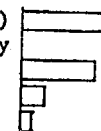
These results show a relatively even split between those that feel economic development should receive greater promotion (20% + 28%), and those that disagree (24% + 25%).

The only major regional deviation from the statewide results was displayed by inland (non-coastal residents) responses. 34% of these "strongly disagree" that greater promotion should be encouraged for use of the coastal areas. Adding this category to the "disagree" category, a total of 58% felt that greater use should not be promoted. Adding the two agreeing categories, 54% of north Lake Michigan areas respondents felt that economic development should be promoted.

This question received a relatively large number (23%) of written comments. While a few respondents claimed that the Great Lakes shores and water are already overdeveloped, many said they would not oppose greater use given strong environmental controls and no greater degradation of coastal environmental resources.

2. Should visitors who come to the Great Lakes coastal area. . . (Question 3)

Be provided promotional materials designed to guide them to areas where they can be adequately accommodated? 58% (yes)
 Be provided promotional materials designed to guide them away from areas where heavy use is damaging? 49%
 Not be influenced in their destinations? 15%
 Be discouraged from coming to coastal areas? 7%



The majority of respondents felt that some promotional materials should be supplied to coastal visitors. About one-half felt this material should guide visitors away from sensitive areas, and very few (only 7%) felt that visitors should be discouraged from coming to the coastal areas.

Regional tallies showed the majority of coastal respondents favoring promotional materials guiding visitors "to areas where they can be adequately accommodated", with Lake Superior persons showing the strongest positive response (75%) for this option. The inland tally showed the only area where a stronger response (58%) was displayed for providing "promotional materials designed to guide them away from areas where heavy use is damaging."

3. As a general policy, should government encourage private industry to develop needed coastal recreation facilities rather than developing them itself? (Question 4)

Yes 46% ☐ No 37% ☐ No Opinion 12% ☐ No Response 5% ☐

A plurality of respondents felt that private industry should be developing needed coastal recreation facilities.

The strongest regional response to this question was expressed by Lake Superior persons, where 57% felt that government should encourage private industry to develop needed coastal recreation facilities. The only region where direct public development responses outweighed promoting private industry (42% to 41%) was the inland area.

A significant portion of the respondents (25%) made comments on this question. Many said that private recreational facilities should be encouraged only with governmental controls and guidelines. A number of respondents suggested that both the public and private sector should be involved in developing recreation facilities and some felt that economic forces alone should determine the supply of recreational facilities.

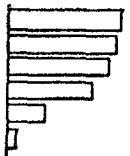
4. Should state government enhance commercial fishing by promoting markets for underutilized Great Lakes fish species (e.g., alewife, carp, sucker)? (Question 5)

Yes 59% ☐ No 23% ☐ No Opinion 14% ☐ No response 4% ☐

Written comments on this question ranged from those who felt the resource should be utilized to those who expressed concern for the impact on sport fisheries. A few suggested that private industry could do it on its own.

5. Should industrial and commercial development seeking a shoreland location. . . (Question 8)

Take as little shoreland as possible? 73% (yes)
Fulfill locally adopted community plans? 70%
Be designed to include use of the shore by the public? 64%
Be adjacent to or within existing developed areas? 54%
Be encouraged by government investment in public facilities? 21%
Other 3%



Respondents felt that economic development in the coastal area should be guided into areas that protect natural resources and public access to the Great Lakes. Relatively few (21%) felt that economic development in shoreland areas should be stimulated by public expenditures.

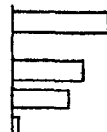
Regional priorities generally conformed to the state response on this question. The major difference is the degree to which they support the locational components. Inland respondents scored the highest percentages favoring the different options, while north Lake Michigan area respondents showed the lowest interest in the listed considerations. However, even in that region, the first four listed considerations were rated over 50% by the respondents. A written comment repeated a number of times suggested that industrial and commercial development should be discouraged from seeking a shoreland location.

Special Coastal Development Areas

A number of questions were related to certain special development areas. The following results show that there is a significant concern for certain development such as for ports, public access, and erosion hazard areas.

1. Should the state government's role in Wisconsin's commercial ports be: (Question 6)

Technical help to local port authorities? 62% (yes)
To seek equal government recognition of Great Lakes ports with oceanic ports? 46%
Financial help to local port authorities? 37%
Other 2%

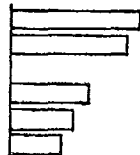


The response to this question implies that state government should have a limited role in commercial ports, primarily providing technical help to local port authorities.

Regional tallies showed all areas favoring technical assistance as the major form of state government involvement, with Lake Superior area residents and inland residents showing the highest positive responses. Lake Superior was the only region where a majority (59%) of respondents also favored financial assistance along with technical assistance.

2. Are you concerned about the future availability in the coastal area of: (Question 9)

Natural harbors and beaches? 85% (yes)
Public recreational access to the Great Lakes? 78%
Sites for power plants, transmission lines, coal handling terminals and other energy related facilities? 52%
Sites for industrial or commercial development? 41%
Coastal mineral deposits? 34%



While again the strongest concern is for natural resources and public access, some interest is shown for sites for energy facilities and other forms of economic development.

The only significant regional variation was displayed by inland respondents who felt the strongest about "natural harbors and beaches" (83%) and public recreational access to the Great Lakes (84%). A few written comments expressed a concern about how to answer this question. Respondents did not know if a "yes" response meant there should be more or less of the item listed.

3. Should communities act to protect agricultural lands which support crops uniquely dependent on a near shore location, such as apple or cherry orchards? (Question 10)



Yes 87%

No 8%

No Response 5%

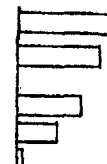
Clearly there is a strong feeling that certain types of agricultural lands should be protected.

It is interesting to note that the highest response to this question came from the Lake Superior region where 94% favored protection of agricultural lands. All regions showed a highly positive reaction to this question, with the north Lake Michigan respondents 83% in favor, the lowest regional tally.

A few respondents wrote comments suggesting that all agriculture lands should be protected. Others were concerned that strict regulations on the use of pesticides, fertilizers, and herbicides be enforced so as to prevent the degradation of water quality in the coastal area.

4. Should power plants: (Question 16)

Be required to allow public access to the Great Lakes waters?
64% (yes)
Be required to locate away from the shore? 54%
Be encouraged to located off-shore, on the water, if research shows that this is feasible? 42%
Be allowed to locate directly on shore? 28%
Other 2%



Providing public access at power plant sites is a primary concern according to the 64% yes responses to this power plant siting question. Although a majority felt that power plants should be required to locate away from the shore (54%), the response was not overwhelming.

Lake Superior area respondents differed from other regions of the state by feeling the strongest (69%) about requiring power plants to locate away from the shore. Of north Lake Michigan and south Lake Michigan respondents only 46% and 51%, respectively, favored the "away from shore" requirement.

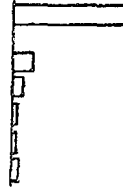
Many people wrote comments urging that no power plants be located in the coastal area, especially nuclear plants. A few suggested that alternative energy sources be investigated.

Public Involvement

Questionnaire respondents gave a very clear indication that citizens must play an important role in directing a Wisconsin Coastal Program. The following two questions relate to the membership and appointment of a possible State Coastal Management Council.

1. If a State Coastal Council is established to lead the implementation of coastal management goals, should the membership of this council include: (Question 20)

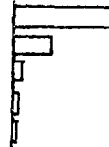
Mixture of citizens and governmental officials? 74%
 Only local and state government officials with a separate citizens advisory council? 12%
 Only citizens? 7%
 Only local and state government officials? 2%
 Other? 2%
 No response 3%



Clearly the dominant number of respondents felt a Council should combine citizens and government officials. The second most popular option "local and state government officials with a separate citizens advisory council," received only a 12% positive response. A number of written comments suggested that certain interest groups such as environmental organizations or professionals should be given membership on the Council.

2. If a State Coastal Council is established, should it: (Question 21)

Be appointed in part by the Governor and in part by local government? 62%
 Be appointed by local government? 25%
 Be appointed by the Governor? 6%
 Other? 4%
 No response 3%



Respondents were concerned about how council members would be selected. They suggested that a balance be maintained on a Coastal Management Council between gubernatorial appointments and those appointed by local units of government. Many respondents wrote in another option "election" as the preferred method for determining Council membership.

Background Information on respondents

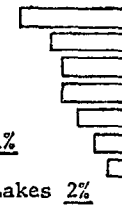
To ascertain what types of people responded to the survey, a series of background questions were posed in the questionnaire. Although the survey was not designed to systematically contact a representative sample, the Coastal Council felt it important to determine what types of people were surveyed and, more importantly, what key groups were missing. The following analysis reports the response to the background questions in the order in which they appeared on the questionnaire.

- a. Name of the community of residence?

Since the coastal management program development phase has included an affirmative effort to contact all interested citizens, and the questionnaires were distributed through the local newspapers and the mail, as well as at public meetings, all geographic regions of the coastal area and inland residents were represented in the response. Every coastal county has at least some questionnaires in the survey.

- b. Which of the following are ways that you spend some of your leisure time on the Great Lakes shore and water?

Sightseeing 73%
 Swimming 52%
 Boating 45%
 Fishing 45%
 Camping 36%
 Own a coastal home 21%
 Other 14%
 Never use the Great Lakes 2%



Almost all survey respondents made some recreational use of the coastal area, with sightseeing being the primary activity, and swimming, boating and fishing following, respectively.

Regional responses differed somewhat from the state totals. Lake Superior area residents registered the highest overall recreational use, but swimming (64%), boating (64%), fishing (73%) surpassed sightseeing (60%) in popularity. Inland respondents claimed the highest camping use of any region (50%), but came in lowest for "owning a coastal home" (8%). The highest coastal home ownership was registered in the Lake Superior region (40%), followed by north Lake Michigan (34%), and south Lake Michigan (16%).

- c. Do you own property on the coast?

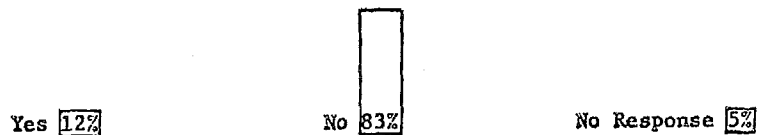
Yes 24%

No 74%

No Response 2%

About one-fourth of the questionnaire respondents own property on the coast. This portion varies regionally, with north Lake Michigan and Lake Superior area respondents represented by 39% property owners. South Lake Michigan and inland responses were represented by only 19% and 9% property owners, respectively.

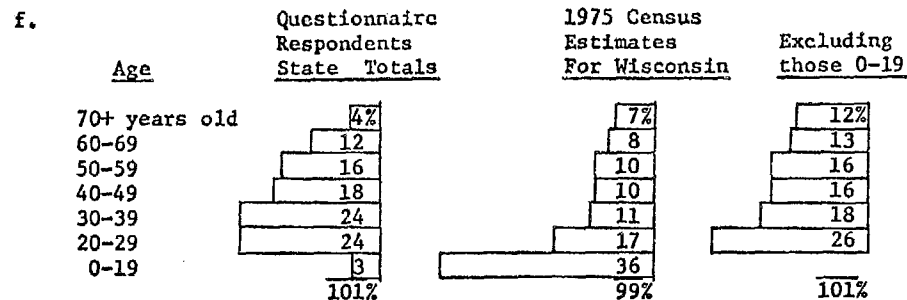
d. Do you work in a job which is directly related to the Great Lakes?



A relatively small but significant number of questionnaire respondents said they have jobs directly related to the Lakes. The major regional deviation from the state totals came from the Lake Superior area where 30% claimed Great Lakes related jobs.

e. Occupation: occupation listed 62%

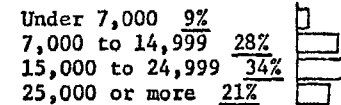
A wide variety of occupations were listed by questionnaire respondents including teachers, students, engineers, craftsmen, sales people, laborers, artists, self-employed, farmers, office workers, home-makers, and retired people.



Since few respondents fell into the 0-19 age bracket, a better comparison might be made to 1975 Wisconsin population estimates, excluding those under 20 years of age. Although age profiles roughly paralleled state estimates, questionnaire respondents were slightly underrepresented in the older age brackets--16% were 60 years or older as compared to 25% in the modified 1975 state population figures (without years 0-19). Respondents were slightly overrepresented in the middle age brackets--42% were 30-49 years old as compared to 34% in the modified 1975 state population figures.

On a regional basis questionnaire respondents were generally older than the statewide totals in the Lake Superior and northern Lake Michigan areas, and younger in the southern Lake Michigan and inland areas.

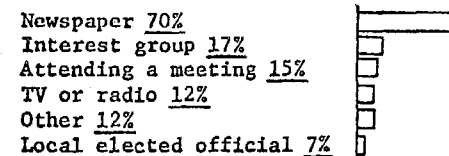
g. Indicate the range of your total family income during the past year.



Wisconsin estimated median family income in 1975 - \$15,500. Assuming a Wisconsin median family income of \$15,500, questionnaire respondents did not have substantially different incomes than the total state population median.* If anything, respondents had slightly higher incomes than the Wisconsin population in general.

On a regional basis Lake Superior respondents tended to report lower incomes, with 49% listing incomes below \$15,000 (as compared to 37% statewide). Southern Lake Michigan area respondents tended to report higher incomes, with 63% listing incomes above \$15,000 (as compared to 55% statewide). However, these results are not surprising since regional incomes, on the average, are higher in the southeastern part of the state and lower in the northwestern part of the state.**

h. How did you learn about the Wisconsin Coastal Program?



The dominant form for hearing about the program was through the newspaper media. This was true regionally as well as statewide.

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* "Median" is a statistic with 50% of the population above the figure and 50% below. The figure given for Wisconsin in general was estimated using U.S. Department of Commerce data.

**See Biennial Report 1973, Wisconsin Department of Revenue.

THE EFFECT OF COASTAL PROPERTY OWNERSHIP ON RESPONSES TO SELECTED QUESTIONS

A significant portion of people who filled out the Coastal Management questionnaire own property along the Great Lakes shorelines. Of the total number of respondents statewide, 24% own coastal property. The portion of property owners varied substantially from region to region and county to county. For example, 39% of all the Lake Superior and north Lake Michigan region respondents are property owners, while 19% of south Lake Michigan respondents and only 9% of inland respondents own property on the coast. County totals varied from 11% owning property in Milwaukee County up to 63% owning property in Door County.

To investigate whether coastal property owners answered differently from persons not owning coastal property, seven questions were analyzed looking for any significant variation in response. The seven questions were chosen because they were most directly related to shoreline property ownership.

The following analyses report comparisons of questions 7, 11, 13, 15, 17, 18 and 19 (of the questionnaire) with property ownership. While the effect of property ownership on the responses varies from question to question, all of the analyses were statistically significant. Not surprisingly, there is a relationship between property ownership and questionnaire response.*

Property owners were less receptive to regulating coastal construction than those not owning property (see Question chart below). While 17% of property owners felt that coastal construction should "always" be limited to buildings which must have a waterside location, 33% felt that coastal construction should "never" be limited on this basis alone. Those without coastal property voted 29% in favor of the first option, and only 22% voted in favor of the latter position.

(Question 7)

	Regulating the Location of Coastal Construction				
	Always	Certain Areas	Never	Other or No Response	
Property Owners	17%	36%	33%	14%	100 (367)
Others	29%	37%	22%	12%	100% (1137)

*All crosstabs reported herein showed a Chi Square test significant at the .001 level. The measure of association, as tested by Cramer's V, varied from .10 to .19.

A small portion (2.5%) did not answer the property ownership question. Although the responses area not presented in these summary tables, they were included in the statistical test. While the results were mixed, those who did not answer the coastal property question tended generally to answer the crosstabulated questions in a manner similar to property owners.

Property owners were slightly less likely to favor protection of key natural areas than respondents not owning property (see Question 11 chart below). However, it should be noted that 91% of all property owners voted "yes" for protection of key natural areas, a substantial majority! This question, along with number 13, showed the weakest relationship for property ownership of any analyzed.** The responses to the various alternatives for protecting key natural areas were also analyzed in terms of property ownership.

Property owners were not as willing to support a notification process for key natural areas as those who do not own coastal property (see Question 11a chart below). While 66% of the latter group supported notification only 56% of the former group supported this approach.

There is a substantial difference in the degree to which direct public acquisition is supported by property owners versus those not owning coastal property (see Question 11b chart below). While property owners voted 34% in favor of public acquisition, the majority of non-ownership respondents favored public acquisition (53%).



(Question 11)

	Protection of Key Natural Areas			
	Yes	No	No Opinion	
Property Owners	91%	3%	6%	100% (367)
Others	96%	2%	6%	100% (1137)

(Question 11a)

	Key Natural Areas: Notification Before Alteration		
	Checked	Not Checked	
Property Owners	56%	44%	100% (367)
Others	66%	34%	100% (1137)

(Question 11b)

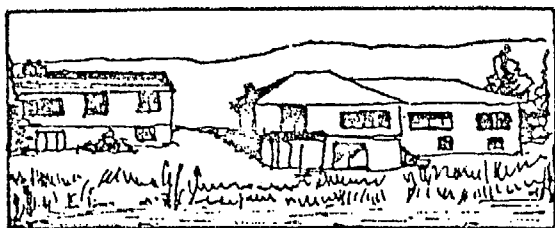
	Key Natural Areas: Direct Public Acquisition		
	Checked	Not Checked	
Property Owners	34%	66%	100% (367)
Others	53%	47%	100% (1137)

**Based on the Cramer's V statistical test.

Although neither group favored the purchase of key natural areas by easement, property owners were less favorable than those not owning property on the coast (see Question 11c chart below).

Both groups favored zoning as a protection technique (see Question 11d chart below). However, property owners were less likely to support this approach than those respondents not owning coastal property.

Although both groups support erosion regulations, property owners were slightly less supportive than those not owning coastal property. The response to Question 13 (along with number 11) showed the weakest relationship to property ownership of those analyzed.*



	Key Natural Areas: Purchase of Easements			
	Checked	Not Checked		
Property Owners	24%	76%	100%	(367)
Others	36%	64%	100%	(1137)

	Key Natural Areas: Zoning			
	Checked	Not Checked		
Property Owners	59%	41%	100%	(367)
Others	68%	32%	100%	(1137)

	Regulations on Erosion and Runoff From Farmland and Construction Sites				
	Yes	No	No Opinion		
Property Owners	89%	4%	7%	100%	(367)
Others	92%	3%	5%	100%	(1137)

*Based on Cramer's V statistical test

While the results are relatively close, the majority of property owners opposed the placement of new coastal subdivisions next to existing ones (see Question 15a chart below). However, respondents not owning property favored grouping subdivisions. While a considerably larger majority (75%) of non-ownership respondents supported keeping new subdivisions away from shorelands, a majority (57%) of coastal property owners also supported this concept (see Question 15b below).

Although the vote was close, property owners showed a tendency to oppose keeping shorelines open for public use in new subdivisions, while the majority of those not owning coastal property voted in favor of keeping shorelines open (see Question 15c chart below). While neither group favored keeping shorelines open for subdivision residents only, a higher percentage of those owning property supported this concept. The strength of the relationship was the strongest on Question 15d (along with Question #19) of any other analyzed.*

	Adjacent to Existing Development (Subdivisions)			
	Yes	No	No Response	
Property Owners	42%	51%	7%	100% (367)
Others	53%	44%	3%	100% (1137)

	Subdivisions: Be Set Away From Shore			
	Yes	No	No Opinion	
Property Owners	57%	36%	7%	100% (367)
Others	75%	23%	3%	100% (1137)

	Subdivisions: Keep Shorelines Open for Public Use			
	Yes	No	No Opinion	
Property Owners	42%	52%	6%	100% (367)
Others	55%	42%	3%	100% (1137)

	Subdivisions: Keep Shorelines Open for Subdivisions Residents Only			
	Yes	No	No Opinion	
Property Owners	19%	75%	6%	100% (367)
Others	5%	92%	3%	100% (1137)

Although a majority of both groups support some form of regulation, property owners were more favorable to a set-back requirement than total exclusion from erosion hazard areas (see Question 17 chart below). On the other hand, respondents not holding property on the coast supported exclusion as the best way to deal with new structures for erosion hazard areas.

While neither group showed substantial support for allowing the placement of erosion hazard structures that make erosion worse on neighboring properties, property owners were slightly more favorable to allowing such construction (see Question 18 chart below).

Property owners differed substantially from respondents not owning property on Question 19 on spending tax dollars for erosion damage protection. A plurality of property owners support public expenditures while a majority of those not owning coastal property oppose spending public money for erosion damage control on private property. The response to this question showed the strongest relationship to property ownership of the questions analyzed (along with #15 (d)).*



(Question 17)

Regulating New Structures and Erosion Hazard Areas

	Exclude From	Set-Back Requirement	No Regulation	Other or No Response	
Property Owners	35%	47%	11%	7%	100% (367)
Others	53%	39%	5%	4%	100% (1137)

(Question 18)

Allowing Placement of New Erosion Protection Structures if Neighboring Erosion Worsens

	Yes	No	No Opinion	
Property Owners	11%	73%	16%	100% (367)
Others	7%	77%	16%	100% (1137)

(Question 19)

Should Tax Dollars be Spent to Protect Private Property from Erosion Damage

	Yes	No	No Opinion	
Property Owners	48%	39%	13%	100% (367)
Others	23%	63%	14%	100% (1137)

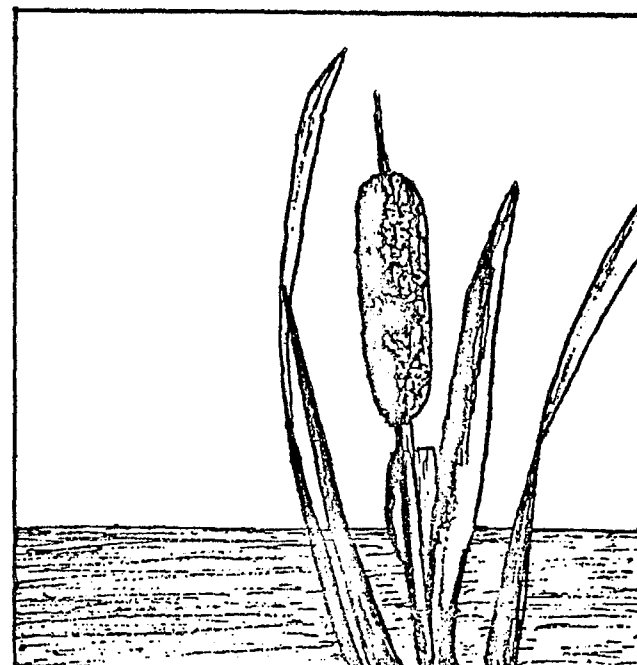
*Based on Cramer's V statistical test

CONCLUSION

The overriding objective of public involvement is to arrive at better and more acceptable coastal management decisions than would be possible without it.

The coastal survey has provided invaluable information for the proposed Coastal Management Program. The results will be used by decision makers to guide the Program direction and to help set policy on coastal issues. Survey responses have already been used in recommending funding priorities in the Program Proposal.

Although the survey method that was used precludes inferring results to a larger population,* the questionnaire has provided over 1500 interested persons a chance to express their concerns about coastal issues. The response suggests that citizens are willing to play an active role in the functioning of their government if given the proper opportunity.



* Refer back to Introduction for discussion.

State Total	Inland	South Lake Michigan Total	North Lake Michigan Total	Lake Superior Total	APPENDIX	Kenosha Co.	Milwaukee Co.	Ozaukee Co.	Racine Co.	Brown Co.	Door Co.	Kewaunee Co.	Manitowoc Co.	Marquette Co.	Oconto Co.	Sheboygan Co.	Ashland Co.	Bayfield Co.	Douglas Co.	Iron Co.
					COASTAL MANAGEMENT QUESTIONNAIRE RESPONSES BY COUNTY AND REGION															
1543	397	560	452	134	Total Questionnaires	20	377	78	85	68	70	10	80	7	23	194	36	55	28	6
					1. In the coastal community with which you are most familiar, what do you feel are the five most important Great Lakes concerns?															
32%	34%	40%	23%	25%	commercial ports	30%	47%	23%	26%	28%	14%	0	29%	43%	4%	23%	21%	14%	57%	20%
67	62	76	61	81	erosion	75	74	74	89	54	64	60	72	57	51	64	87	75	82	88
10	9	10	8	16	federal agency activities	0	12	9	11	7	13	0	8	14	1	6	15	20	4	20
37	39	36	36	31	Great Lakes fisheries	50	58	42	31	34	30	20	34	43	22	34	31	32	32	20
41	29	35	53	64	lake levels	36	29	50	45	35	57	30	46	71	18	57	67	62	64	80
57	59	59	54	53	natural resources	50	60	60	56	62	64	10	46	57	17	58	50	57	45	80
30	35	30	30	19	power plants	35	30	24	34	29	23	30	38	0	8	36	15	20	14	0
48	54	50	44	36	public recreational access on the Great Lakes	75	53	25	52	54	39	20	58	45	17	45	28	40	24	40
30	37	20	34	34	shore use in rural coastal areas	10	17	31	7	38	51	30	34	16	4	17	14	43	39	24
35	38	31	30	22	shore use in urban coastal areas	45	46	26	32	46	23	10	38	14	4	24	14	25	37	0
18	20	11	22	32	tourism	5	8	12	22	22	41	10	21	43	4	15	36	38	11	40
87	89	91	80	84	water quality	85	92	96	87	88	84	10	75	86	43	79	84	82	87	20
5	6	5	4	5	other?	5	5	3	3	4	1	0	6	0	0	6	3	8	0	10
15	15	15	13	23	Comment:	10	15	20	11	12	16	10	15	14	17	11	31	20	21	20
					I. Economic Development and Recreation in Coastal Areas															
					2. For economic development purposes, should Wisconsin promote greater use of the Great Lakes shore and water?															
20	12	19	26	22	Yes, strongly agree	15	19	20	17	13	17	40	35	14	44	28	14	20	32	40
28	27	28	28	25	Yes, agree	40	27	26	33	25	24	40	22	43	26	31	51	22	25	20
24	24	26	20	30	No, disagree	20	25	31	25	18	24	0	34	14	4	20	28	34	21	20
25	34	22	22	20	No, strongly disagree	20	23	22	18	38	30	20	18	14	22	14	25	18	18	20
23	27	23	18	27	Comment:	30	25	20	16	24	20	10	21	14	4	16	37	14	36	60
					3. Should visitors who come to the Great Lakes coastal area... (Please check one or more)															
58	54	56	58	75	be provided promotional material designed to guide them to areas where they can be adequately accommodated?	55	54	65	59	60	46	70	60	71	48	62	72	68	93	80
49	58	49	42	41	be provided promotional materials designed to guide them away from areas where heavy use is damaging?	35	52	37	49	44	46	30	45	57	52	39	33	43	50	20
15	13	18	14	10	not be influenced in their destinations?	25	16	22	18	15	13	0	9	0	1	19	11	11	11	0
7	8	4	8	6	be discouraged from coming to coastal areas?	0	7	0	6	15	13	0	10	0	9	4	11	6	0	0
11	11	12	8	15	Comment:	15	15	14	6	7	10	10	11	0	4	7	25	14	4	20
					4. As a general policy should government encourage private industry to develop needed coastal recreation facilities rather than developing them it self?															
46	41	44	50	57	Yes	35	41	56	53	32	43	50	54	43	61	57	67	65	47	80
37	42	39	34	25	No	45	42	31	29	59	34	40	30	43	26	26	33	14	43	0
17	17	17	16	18	No opinion	20	17	13	18	9	23	10	16	14	13	17	20	17	10	20
25	29	24	20	29	Comment:	30	27	22	13	22	20	0	34	27	4	17	36	25	27	40

Note: Data listed as percentages. The results for a given question may not add to 100% because a number of questionnaires contained no response for that question. If a question has a series of options to be answered "yes" or "no", percentage figures reflect those responding yes.

• High score

State Total	Inland	South Lake Michigan Total	North Lake Michigan Total	Lake Superior Total	2	Kenosha Co.	Milwaukee Co.	Ozaukee Co.	Racine Co.	Brown Co.	Door Co.	Kewaunee Co.	Manitowoc Co.	Marquette Co.	Oconto Co.	Sheboygan Co.	Ashland Co.	Bayfield Co.	Douglas Co.	Iron Co.
• 59 %	• 60 %	• 57 %	• 61 %	• 58 %	5. Should state government enhance commercial fishing by promoting markets for underutilized Great Lakes fish species (e.g. alewife, carp, sucker)?	• 60 %	• 58 %	• 56 %	• 54 %	• 63 %	• 63 %	• 60 %	• 70 %	• 100 %	• 70 %	• 54 %	• 42 %	• 65 %	• 61 %	• 60 %
23	21	26	21	23	Yes	20	24	31	25	21	16	10	18	0	17	24	33	25	11	0
18	10	17	10	19	No	20	10	13	16	16	21	10	12	0	13	21	29	10	28	20
16	10	16	14	21	No opinion	20	17	12	11	16	14	0	22	0	13	10	22	15	32	20
					Comment:															
37	34	38	31	59	6. Should the state government's role in Wisconsin's commercial ports be: (Please mark each Yes or No)	40	38	30	48	37	19	60	35	29	35	30	20	57	79	40
• 42	• 65	• 60	• 62	• 67	financial help to local port authorities?	• 75	• 60	• 53	• 61	• 65	• 53	• 70	• 66	• 71	• 30	• 65	• 47	• 61	• 86	40
46	45	52	41	42	technical help to local port authorities?	46	54	51	47	46	39	30	35	51	• 44	43	31	37	48	• 40
2	4	2	1	2	to seek equal government recognition of Great Lakes ports with oceanic ports?	5	2	1	2	0	1	0	1	0	26	2	3	2	0	0
8	10	9	6	11	other?	25	10	5	5	4	9	0	6	14	4	5	17	9	41	0
					Comment:															
26	32	27	23	16	7. Should new coastal construction: (Please mark one)	30	30	14	21	32	27	30	22	43	12	10	11	18	14	20
• 36	• 35	• 37	• 34	• 43	always be limited to those buildings which must have a waterside location?	• 40	• 33	• 45	• 49	• 44	• 30	20	• 36	• 57	26	32	• 39	• 45	• 50	20
26	21	24	31	23	In certain areas be limited to those buildings which must have a waterside location?	20	25	20	18	16	27	• 40	26	0	• 44	• 40	31	20	25	• 60
3	3	2	3	3	never be limited on this basis alone?	5	2	1	1	2	6	0	5	0	0	2	6	2	4	0
11	13	11	10	9	other?	5	13	5	7	9	11	10	20	0	4	7	11	6	14	0
					Comment:															
54	58	55	50	57	8. Should industrial and commercial development seeking a shoreline location: (Please mark each Yes or No)	55	55	47	61	66	49	60	50	• 71	52	42	47	58	68	40
70	70	71	• 70	72	be adjacent to or within existing developed area?	60	71	67	• 73	72	59	50	• 72	• 71	• 70	• 72	• 75	69	71	• 82
21	18	20	24	23	fulfill locally adopted community plans?	5	19	7	44	28	11	30	24	14	13	47	25	17	32	40
• 73	• 77	• 74	69	• 73	be encouraged by government investment in public facilities?	45	• 76	• 70	• 73	• 75	• 47	59	68	43	61	71	• 75	• 71	• 72	20
64	69	64	62	58	take as little shoreline as possible?	• 76	68	46	64	44	44	• 70	56	43	56	69	69	52	57	40
3	4	2	3	2	be designed to include use of the shore by the public?	10	2	5	1	4	1	0	1	0	4	4	3	2	0	0
10	13	9	8	13	other?	15	8	10	8	10	10	10	10	0	0	8	17	9	18	20
					Comment:															
34	40	34	32	30	9. Are you concerned about the future availability in the coastal area of: (Please mark each Yes or No)	40	34	24	41	32	26	30	30	• 86	30	32	28	31	27	40
41	41	36	44	44	contain mineral deposits?	60	34	37	41	45	40	60	41	43	37	47	37	42	50	• 80
78	84	79	74	69	sites for industrial or commercial development?	• 75	82	59	• 84	77	64	70	72	• 84	• 78	74	47	40	75	60
• 85	• 88	• 85	• 83	• 84	public recreational access to the Great Lakes?	• 95	• 87	• 78	80	• 87	• 87	• 80	• 82	• 86	• 78	• 84	• 87	• 85	• 77	• 80
52	50	52	56	42	natural harbors and bays?	70	52	50	52	48	51	• 80	48	43	61	63	34	43	43	60
					sites for power plants, transmission lines, coal handling terminals and other energy related facilities?															
					other?															
					Comment:															
• 87	• 92	• 85	• 83	• 94	10. Should communities act to protect agricultural lands which support crops uniquely dependent on a near shore location, such as apple or cherry orchards?	• 85	• 88	• 73	• 80	• 82	• 86	• 80	• 84	• 86	• 83	• 81	• 97	• 94	• 89	• 100
8	4	10	11	2	Yes	15	7	25	11	7	7	10	14	0	17	13	0	2	7	0
12	13	12	11	12	No	0	12	14	9	12	7	10	18	14	0	10	14	8	18	20
					Comment:															
12	11	12	10	28	Do you have additional comments about Economic Development and Recreation in Coastal Areas? If you wish, attach additional pages.	10	13	10	9	13	9	10	11	0	13	9	33	23	29	40

State Total	Inland	South Lake Michigan Total	North Lake Michigan Total	Lake Superior Total	3	Kenosha Co.	Milwaukee Co.	Ozaukee Co.	Racine Co.	Brown Co.	Door Co.	Keweenaw Co.	Manitowoc Co.	Marquette Co.	Oconto Co.	Sheboygan Co.	Ashland Co.	Bayfield Co.	Douglas Co.	Iron Co.
					II. NATURAL RESOURCE MANAGEMENT															
95	98	74	92	96	11. If there is a Coastal Program, should it encourage the protection of key natural areas and wildlife habitat?	90	95	96	91	91	93	90	91	100	87	93	94	97	100	80
2	1	2	3	2	Yes	5	2	4	0	4	0	0	4	0	4	4	3	2	0	0
3	1	4	5	2	No	5	3	0	9	5	7	10	4	0	9	3	3	1	0	20
					No opinion															
43	67	63	59	67	If so, how? (Please check one or more)	65	66	63	56	66	60	60	64	57	26	50	69	57	86	80
48	61	48	37	42	designation of areas which require public notification before alteration takes place	50	54	30	38	60	31	30	31	43	26	35	39	32	71	40
33	45	30	25	29	direct public acquisition	35	34	20	26	64	20	30	22	43	26	21	25	16	63	20
65	71	64	61	67	purchase of easements	75	65	63	59	64	70	70	62	57	52	56	66	62	87	40
3	4	3	3	4	zoning regulation	15	3	3	2	7	1	0	5	0	0	2	3	6	4	0
8	8	8	0	7	other?	20	9	4	6	10	6	10	14	0	4	7	8	6	14	20
					Comment:															
92	95	92	90	94	12. Should Great Lakes wetlands be protected for use by spawning fish and other wildlife?	90	92	94	89	85	91	80	85	100	83	91	89	97	96	80
2	1	2	4	3	Yes	5	2	1	1	7	0	10	3	0	13	3	6	0	4	20
6	4	6	6	3	No	5	6	5	10	8	3	10	9	0	4	6	5	3	0	0
10	10	11	10	11	No opinion	30	11	10	8	19	9	0	12	0	13	6	8	11	11	20
					Comment:															
90	93	91	88	91	13. Should there be regulations on erosion and runoff from farmland and construction sites which are degrading the quality of coastal waters?	80	93	90	82	91	89	60	91	86	78	88	86	92	96	80
4	3	4	4	4	Yes	5	3	5	6	3	1	10	2	0	13	5	3	5	0	20
6	4	5	8	5	No	15	4	5	12	6	10	10	7	14	9	7	11	3	4	0
13	13	13	13	14	No opinion	20	14	8	15	24	7	0	16	29	9	11	19	12	11	20
					Comment:															
9	9	7	5	13	Do you have additional comments about Natural Resource Management in Wisconsin's Coastal Areas? If you wish, attach additional pages.	15	7	5	7	4	9	0	4	0	13	4	19	14	7	0
					III. Development of Coastal Communities															
36	40	30	36	42	14. Which of the following should be included in community coastal development plans: (please read this list and number the items in the order of most important to you, so that 1=most important, 2, 3=least important)	30	27	41	27	30	30	30	47	29	26	34	42	34	57	40
27	26	29	26	25	design and location of commercial, industrial and residential developments	15	28	27	36	13	39	40	16	29	22	30	22	29	21	20
27	25	27	25	26	preservation of important cultural and historic buildings, sites and districts	35	32	18	27	34	20	20	20	29	22	26	22	29	27	0
5	5	4	4	4	provision of recreational opportunities for residents	15	5	1	4	10	6	0	8	0	0	2	8	3	4	0
7	9	8	5	4	other?	10	8	10	7	4	3	0	9	14	0	6	6	2	4	20
					Comment:															
					* 2 responding 1= most important															

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50	57	46	47	49	15. Should new residential subdivisions seeking a shoreland location... (Please mark each Yes or No)															
70	77	69	67	71	be adjacent to or within existing developed areas?	30	49	38	47	54	44	50	44	29	51	44	61	48	39	40
52	54	53	48	49	be set away from the shore?	55	71	58	69	76	61	60	54	86	51	72	67	71	77	40
9	6	10	10	8	be near the shore but designed to keep shorelines open for public use?	55	55	42	55	53	51	50	42	14	48	49	50	38	71	40
3	3	3	3	3	be near the shore but designed to keep shorelines open for subdivision residents only?	5	8	27	6	4	13	0	8	14	0	12	8	12	0	0
10	11	9	10	10	other?	15	3	1	2	2	1	0	2	0	4	4	0	5	4	0
					Comment:	20	9	8	6	4	6	10	19	0	9	10	14	6	14	0
28	21	31	35	9	16. Should power plants... (Please mark each Yes or No)															
54	63	51	46	69	be allowed to locate directly on shore?	25	31	38	25	31	27	10	34	14	44	40	8	8	14	0
42	34	48	44	53	be required to locate away from the shore?	55	51	41	59	54	49	30	36	43	35	44	72	67	64	80
64	66	65	63	57	be encouraged to locate off-shore, on the water, if research shows that this is feasible?	30	49	47	48	40	53	20	34	29	30	50	34	31	29	60
2	2	2	2	3	be required to allow public access to the Great Lakes waters?	60	49	47	62	71	47	80	55	57	56	70	61	51	60	90
12	12	10	11	23	other?	0	3	1	1	2	0	0	4	0	0	2	3	5	0	0
					Comment:	20	9	14	11	18	9	0	12	43	4	9	31	20	21	28
48	57	47	42	48	17. Should new structures: (Please check one)															
41	34	40	45	43	not be located in erosion hazard areas?	45	52	27	47	47	39	30	42	43	35	43	36	46	75	24
7	4	8	9	4	be set back from the shoreline a distance so as not to be damaged by expected erosion?	35	37	42	35	38	51	40	45	57	30	45	50	48	18	80
1	1	1	1	2	not be regulated in regard to erosion?	20	7	9	12	7	4	20	10	0	17	9	8	3	4	0
6	6	6	6	8	other?	0	1	0	3	2	0	0	0	0	0	2	4	0	0	0
					Comment:	10	5	8	7	6	4	0	9	0	4	4	11	5	11	0
8	8	7	10	4	18. Should the placement of new erosion protection structures be allowed if they make erosion worse on neighboring properties?															
75	72	76	72	87	Yes	15	6	6	7	10	4	10	9	14	13	12	3	8	0	0
17	19	17	18	9	No	75	78	31	67	75	76	60	75	71	56	71	74	86	81	88
11	10	13	11	11	No opinion	10	16	13	24	15	20	30	16	15	31	17	3	6	18	20
					Comment:	25	15	8	6	13	7	10	15	0	0	11	19	6	14	0
29	23	25	31	54	19. Should tax dollars be spent to protect private property from erosion damage? (There is no law which allows such spending now)															
57	61	60	54	36	Yes	45	21	37	25	37	24	50	39	29	10	28	64	49	50	80
14	16	15	15	10	No	50	66	49	48	56	60	30	50	71	48	55	19	43	44	0
22	21	23	20	29	No opinion	5	17	14	27	7	10	20	11	0	9	17	19	8	4	20
					Comment:	25	26	22	15	25	16	10	21	0	13	21	44	22	25	40
5	5	5	4	6	Do you have additional comments about Coastal Communities? If you wish, attach additional pages.	10	5	5	4	4	6	0	5	0	4	5	14	2	7	0

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21	21	21	21	36	IV. PEOPLE AND GOVERNMENT INTERRELATIONSHIPS															
7	6	8	7	5	20. If a State Coastal Council is established to lead the implementation of coastal management goals, should the membership of this council include: (Please check one)															
74	74	76	72	74	only local and state government officials?	5%	21	0	4	31	31	0	21	0	0	21	61	31	0	0
					only citizens?	5	8	8	4	6	9	0	5	14	1	8	0	8	4	24
12	13	9	13	15	a mixture of citizens and government officials?	75	75	83	70	82	80	60	72	64	48	19	83	68	75	21
2	2	2	2	3	only local and state government officials with a separate citizen's advisory committee?	10	10	3	13	7	7	30	15	0	26	15	8	18	18	0
8	10	7	4	10	other?	5	3	1	0	0	0	0	4	0	8	3	3	3	4	0
					Comment:	15	7	10	4	2	6	10	6	0	9	6	14	8	11	0
6	8	7	2	4	21. If a State Coastal Council is established, should it: (Please check one)															
62	68	60	57	66	be appointed by the Governor?	15	7	8	4	4	0	0	4	0	0	3	3	3	7	0
15	17	24	32	17	be appointed in part by the Governor and in part by local government?	75	60	49	67	71	54	50	54	64	31	56	69	57	71	80
4	4	4	3	2	be appointed by local government?	5	24	36	20	21	36	40	35	14	48	33	21	37	11	20
9	7	9	10	8	other?	5	6	1	0	2	4	10	2	0	4	3	0	3	0	0
					Comment:	15	10	13	2	6	9	0	11	0	9	11	6	11	4	0
86	87	84	86	90	22. If minimum coastal management standards are established, should they cover: (Please mark one)															
3	3	5	3	0	All coastal towns, villages and cities?	80	85	83	84	88	90	80	84	100	85	85	97	88	84	89
5	6	6	4	4	only unincorporated area?	0	6	1	4	2	4	0	2	0	0	4	0	0	0	0
6	6	7	7	5	other?	15	6	6	4	6	1	10	0	0	4	4	3	5	7	80
					Comment:	5	7	9	5	10	4	10	0	14	4	7	6	3	11	0
51	61	50	43	51	23. If a Coastal Program is begun, it will rely in part on local planning and regulation. Should they be: (Please mark one)															
40	30	41	46	44	mandatory with state help?	60	55	22	46	62	47	20	40	14	32	60	37	57	61	0
3	3	3	2	2	voluntary with financial and technical help as incentives?	35	37	65	39	26	40	70	54	81	56	48	58	37	32	100
					other?	0	3	3	4	2	3	0	0	0	0	4	3	2	4	0
58	68	60	53	44	24. If created, what should a Coastal Program emphasize? (Please read this list and number the items in order of importance to you, so that 1=most important, 2=next in importance, 3, 4, 5, 6, 7=least in importance)															
9	9	9	9	7	acquiring or managing natural areas	75	66	49	49	72	50	40	55	72	26	50	36	42	64	60
18	17	17	20	23	funding pilot recreational projects for low income people	20	10	9	14	16	9	10	6	0	0	8	8	11	0	0
38	36	43	36	30	planning for and promoting coastal commercial and industrial development	15	15	20	21	18	19	20	19	0	13	23	17	22	33	40
53	51	49	55	66	Providing beach, boating and scenic access to the Great Lakes	35	47	31	38	40	33	60	36	16	35	36	25	35	25	40
29	26	31	27	34	Providing technical assistance to local governments which are evaluating proposed coastal development	50	48	54	47	41	53	50	62	43	54	57	72	43	64	80
68	69	66	69	72	protecting historic sites, buildings and districts	15	29	33	39	16	36	40	20	28	17	31	36	42	18	0
3	4	4	2	6	studying specific coastal problems and seeking necessary support and funding for solutions	85	66	70	60	66	69	50	74	71	56	71	83	58	86	80
6	6	6	6	7	other?	10	3	8	4	4	3	0	4	0	0	1	6	6	0	0
					Comment:	10	6	8	4	4	7	0	8	14	0	5	11	6	4	0
5	7	5	3	8	Do you have additional comments about People and Government Interrelationships in Wisconsin's Coastal Area? If you wish, attach additional pages.	0	4	10	4	0	6	0	5	0	0	5	19	3	7	0

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					V. BACKGROUND INFORMATION Information from these questionnaires will be used by the Wisconsin Coastal Advisory Council and staff to develop proposals for improved coastal management to be reviewed at public hearings in February 1977. The Council wishes to make sure that citizens from all sectors of coastal communities and elsewhere in the state have had the opportunity to express their opinions through this questionnaire. Your answers to the following background questions will be helpful in achieving this aim. This information will not identify you and therefore assures confidentiality. Thank you.															
					a. Name of the community of residence															
					Zip Code															
					b. Which if any of the following are ways that you spend some of your Leisure time on the Great Lakes shore and water? (Please check all that apply)															
45	37	41	51	64	boating	45	42	47	31	41	59	60	49	71	56	48	58	48	61	40
56	50	52	27	41	camping	35	33	19	35	44	17	10	29	43	22	24	41	31	41	40
45	37	40	54	63	fishing	35	39	40	44	57	51	98	48	71	56	53	50	66	61	60
21	8	16	34	40	own a coastal home	20	9	51	16	19	53	30	30	29	44	32	30	51	4	28
73	80	75	67	60	sightseeing	95	78	60	68	79	59	70	70	71	48	64	50	60	75	40
52	50	56	47	64	swimming	40	54	58	59	56	44	30	32	43	29	52	75	59	64	60
14	11	15	14	13	other?	10	18	12	6	24	7	0	19	0	9	13	8	14	21	0
2	3	1	1	1	Never use the Great Lakes	0	1	0	5	0	4	0	2	0	0	0	0	0	4	0
					c. Do you own property on the coast?															
24	9	19	37	39	Yes	20	11	54	20	24	63	30	36	29	44	36	53	43	14	20
74	88	78	59	60	No	80	87	45	72	69	37	70	61	71	44	63	44	57	82	88
					d. Do you work in a job which is directly related to the Great Lakes?															
12	8	8	14	30	Yes	10	7	6	9	19	23	10	19	0	9	9	31	31	29	20
83	88	88	78	45	No	90	87	92	85	69	74	80	72	100	94	84	64	45	68	60
					e. Occupation:															
					f. Age: years old															
					g. Indicate the range of your total family income during the past year. (Please mark one)															
9	13	4	7	21	Under \$7,000	0	4	5	2	13	9	10	9	0	17	3	14	26	14	40
28	29	24	29	28	\$7,000 to \$14,999	45	28	14	24	25	24	30	30	43	30	23	31	28	21	40
34	32	36	35	31	\$15,000 to \$24,999	25	39	20	31	32	33	30	38	43	22	37	28	26	50	20
21	21	27	16	14	\$25,000 or more	25	25	45	19	13	17	20	10	14	4	20	17	15	11	0
					h. How did you learn about the Wisconsin Coastal Program? (Please mark any that apply)															
70	71	74	66	62	Newspaper	80	83	69	40	40	57	50	68	86	86	80	84	62	71	60
12	5	6	24	15	TV or Radio	5	7	5	11	22	17	20	31	14	9	26	14	17	14	0
7	2	6	12	13	Local elected official	0	4	14	14	6	13	30	12	14	9	12	4	15	14	40
17	15	14	21	25	Interest group	20	12	17	14	32	24	0	20	0	4	19	28	25	27	0
15	13	11	18	23	Attended a meeting	10	10	24	5	24	17	20	19	29	13	14	19	31	11	20
12	14	11	11	14	Other:	0	8	6	33	18	11	20	14	0	23	4	23	12	7	20

COASTAL CONCERNS

SUMMARY OF PUBLIC COMMENTS ON
COASTAL MANAGEMENT ISSUES
MAY 1977

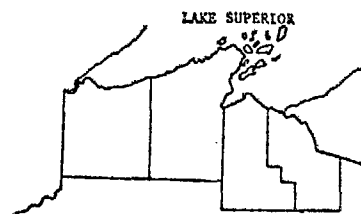
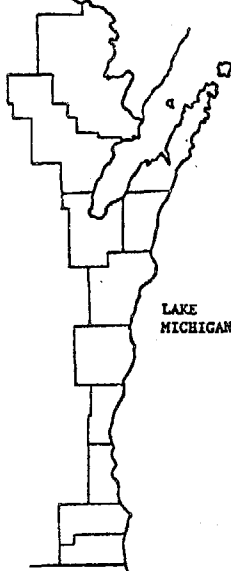


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COASTAL CONCERNS

Introduction

September 1976 was proclaimed Great Lakes Awareness Month by Governor Patrick J. Lucey. The media campaign which followed this announcement asked citizens to express their concerns about coastal management issues at a series of public meetings sponsored by the Coastal Coordinating and Advisory Council. The 14 public meetings (12 at coastal locations and two at inland locations) were attended by 1,100 citizens.

The objective of the meetings was to seek citizen opinion in the development of a program which would help guide future development on the Lake Michigan and Lake Superior coastlines. At the time, only a framework for the program had been developed, which was explained at the meeting. Citizens were asked to express their views on a questionnaire and orally. Issues such as lake pollution, shoreline erosion, lake levels, economic development, public recreational access, recreational facilities, and use of tax monies were the dominant issues.

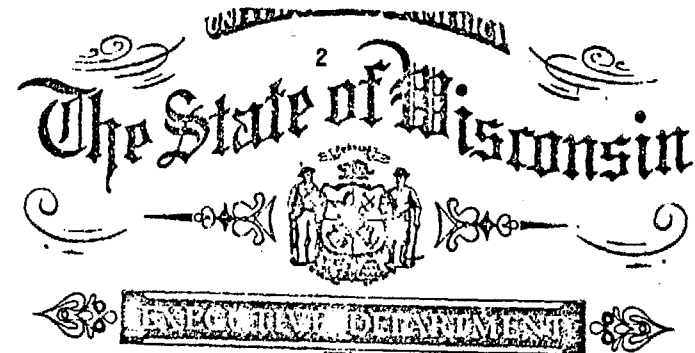
This report is a summary of comments presented by persons attending the public meetings. In general, the comments were made as part of give-and-take discussion with Coastal Program staff and Council members. These comments were recorded by a staff member on flip charts during each meeting to quickly record the substance of a comment or question and any Council or staff response. Therefore, these are not transcripts of the meetings. Tapes of the discussions were made and are available for listening through the Wisconsin Coastal Management Program.

Another report of possible interest to you is Coastal Survey, an analysis of 1,543 questionnaires received at the meetings and through the mail. Both the questionnaire results and the public meeting concerns were used by the Coordinating and Advisory Council to develop a series of working papers and eventually a Coastal Management Program Proposal.

The Wisconsin Coastal Management Program entered a second phase of public participation in the spring of 1977, when the management program proposal was distributed and formal public hearings were scheduled. After incorporating changes suggested at the hearings, the Coordinating and Advisory Council submitted the management program to the Governor. The Governor may decide to send the program to federal officials, who will judge its compliance with the federal guidelines of the Coastal Zone Management Act of 1972. Wisconsin would be eligible for up to \$1.5 million each year for the following five years to implement its management effort.

For further information on the Wisconsin Coastal Management Program, or to receive additional materials, contact the following:

Wisconsin Coastal Management Program
Room B-130, One West Wilson Street
Madison, Wisconsin 53702



GOVERNOR'S PROCLAMATION

WHEREAS, The Great Lakes of North America are a unique ecological resource of regional benefit as well as being of historical, cultural and economic significance to the people of the region; and

WHEREAS, The Great Lakes form an international boundary between Canada and the United States which is important to the commerce, navigation, recreation and water supply of both countries; and

WHEREAS, the Great Lakes states and Canada have worked together cooperatively for the improved management of this vast system of fresh water; and

WHEREAS, there is a high public interest in the effective management, beneficial use, protection and appropriate development of the coastal areas and waters of the Great Lakes; and

WHEREAS, each of the Upper Great Lakes Regional Commission states is now engaged in the development of proposals for improved state-local partnerships in land and water management under provisions of the Coastal Zone Management Act of 1972;

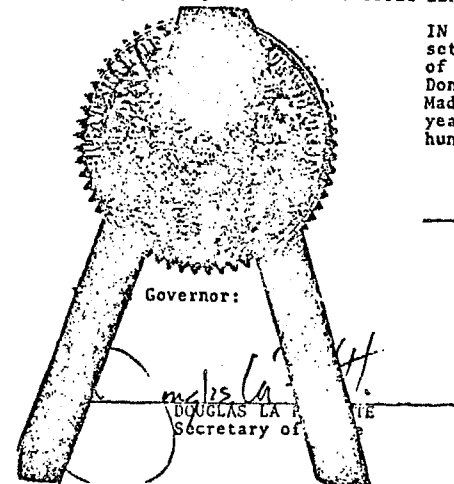
NOW, THEREFORE, I, GOVERNOR PATRICK J. LUCEY, of the State of Wisconsin, in concert with other governors of the Great Lakes states, do hereby proclaim September 1976, to be

GREAT LAKES AWARENESS MONTH

and during these weeks I will encourage public discussion of coastal management options for the Great Lakes states.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this fifth day of August in the year of our Lord one thousand nine hundred and seventy-six.

Patrick J. Lucey
PATRICK J. LUCEY
Governor



COMMENTS RECEIVED
on the Working Papers for a Proposed Wisconsin
Coastal Management Program, as of Feb. 7, 1977

This section reports comments received on various documents and working papers prepared as steps in the development of this draft Program Proposal.

The substance of the draft Program Proposal was developed by a sub-committee of the Council over the last year. The first paper served as an outline for the proposal and was called "Position Paper for Review," (August 1976). It was submitted for widespread public review prior to final Council adoption. That document was revised, adopted and released by the Council as a "Framework for Potential Wisconsin Coastal Management Program," (Nov. 1976). The Framework Paper was then further detailed through a series of working papers, four in total. They are:

- Working Paper 1: Program subject Matter and Boundaries (Nov. 1976)
- Working Paper 2: State Level Organization for Program Implementation (Dec. 1976)
- Working Paper 3: Goals (Jan. 1977)
- Working Paper 4: Program Funding (Jan. 1977)

Comments were received from the State Citizens Advisory Committee, regional committees, local governments, state and federal agencies and others. Several letters that reported "no comment" have been received but are not included in the following. Sources of the comments are designated by abbreviations. A list of agency abbreviations is provided to aid the reader.

The comments received are organized to parallel the draft Program Proposal. This means that letters were subdivided into the following topics:

1. GOALS
2. IMPLEMENTING A COASTAL MANAGEMENT PROGRAM
 - a. Managing Coastal Resources and Development . .
 - 1) Areas
 - 2) Uses
 - 3) Boundaries
 - b. Organization for Implementation
 - 1) Program Organization
 - 2) Program Funding
3. GENERAL

Abbreviations for Sources of Comments

Wisconsin Coastal Program groups:

- | | | |
|-------------|---|---|
| BLCTF | - | Bay-Lake Citizens Task Force |
| CAC | - | State Citizens Advisory Committee |
| SEWRPC-TCAC | - | Southeastern Wisconsin Regional Planning Commission - Technical and Citizens Advisory Committee |
| NWRPC-CTAC | - | Northwest Regional Planning Commission - Coastal Technical Advisory Council |

Federal agencies

- | | | |
|----------|---|--|
| USDA-SCS | - | United States Department of Agriculture - Soil Conservation Service |
| USDC-MA | - | United States Department of Commerce - Maritime Administration |
| USDI-BLM | - | United States Department of the Interior - Bureau of Land Management |
| -BOM | - | Bureau of Mines |
| -F&WS | - | Fish and Wildlife Service |

Wisconsin Organizations and state agencies:

- | | | |
|--------|---|---|
| UWSGCP | - | University of Wisconsin Sea Grant College Program |
| WDAG | - | Wisconsin Department of Agriculture |
| WDOT | - | Wisconsin Department of Transportation |
| WEPCO | - | Wisconsin Electric Power Company |

1. GOALS

A few comments were received on Coastal Program Goals, generally in reference to the Council Subcommittee Report on Goals and Guidelines. They reflect concerns about whose goals and guidelines were being reported. In other words, would the Coastal Council be doing all the tasks necessary to accomplish the goals or would other state agencies continue to pursue the goals within their current charge? A few other comments reflect recommendations for specific additions or alterations to the Subcommittee's report.

****Comments received about Council Subcommittee report on Goals and Guidelines, December 28, 1976, submitted for Council consideration at January 5-6, 1977 meeting.**

CAC -In "1.a Coastal Water Resources," the Committee raises a question relative to the wording of "A long range goals is the elimination of all discharges to water." With dissent, the Committee would be more satisfied with "unlawful pollutant discharges" instead.

-Why is there no overall goal for Coastal Management as an overall goal for the State of Wisconsin? Some language from the Federal Act should be included in an introductory section.

-Guideline 1 on page 6 should be changed to read "Maintain a state pollution...system" instead of "Establish," as it has been established.

-Guideline 6 on page 7: If possible, change "septic" to "these" to include regulation of alternative systems. If it is not included in the current law, the guideline should read "encourage regulation of these systems..."

-Concerning the guidelines for "Coastal Air Resources," do we need to add a guideline to maintain existing air quality standards since some are existing and some are still being developed?

-Concerning the goal for "Specific Coastal Land and Water Resources," the Committee raises the question whether or not private land and water uses are meant to be included.

Committee Staff Comment

The Committee did not have any specific comments on the remainder of the Subcommittee report. The nature of the members' questions and ensuing discussion did, however, indicate the need to better communicate the purposes of the paper and the relationship of the proposed program to the goals and the list of authorities. That is, one of the major questions seemed to be, "How will the program try to attain the goals through existing authorities?"; and "What are the guidelines for the program's conduct which will use existing authorities to attain the goals?"

SEWRPC-
TCAC

-Individual comment- would municipalities have to get water quality permits from the Coastal Council?
-Individual comment- what if DNR has one standard for water quality and the Council wants a different standard?

-SEWRPC-TCAC adopted a motion recommending amendment of the water quality goal to seek the elimination of "unlawful pollutants."

-Individual comments (re: goal discussing hazard areas) - suggested rendering development in hazard areas safe, rather than negatively precluding development.

-Recommended clarification as to whether the goals and guidelines are to be those of the Program or those of the Council.

-Individual comment- recommend changing "regulate" floodplains and wetlands to "promote the preservation of".

-SEWRPC-TCAC adopted a motion to delete references to the Council and its projects as a basis for a guideline.

BLCTF

-Individual comment- concern for noise problems needs to be addressed specifically and explicitly, probably under air resources.

-Individual comment- suggested that the economic development goals and guidelines be removed entirely -- no need to stimulate it.

-Individual comment- what about protecting those residences located in hazard areas not in conflict with Coastal Management goals and policies?

****Comments received about Working Paper 3: Goals, January 1977**

USDI-
F&WS

-Page 26, Item 8 - The policy is questionable as to whether or not it is in the best interests of the coastal environment. Expansion of mining interests should not be the policy but instead mining activities should be controlled so as to be consistent with program goals.

-Page 30, Item 1 - At present, this policy is a moot point until such time as the Office of Coastal Zone Management develops Section 307 guidelines which are acceptable to other Federal agencies and a final determination of consistency is made.

USDA-
SCS

-Wherever possible we suggest realistic goals be established so that accomplishments can be measured and compared to the goal.

2. IMPLEMENTING A COASTAL MANAGEMENT PROGRAM

a. Managing Coastal Resources and Development

Many comments were received on "areas", "uses" and "boundary" issues, primarily in reference to the "Position Paper" (Aug 1976) and Working Paper 1 (Subject Matter and Boundaries - Nov 1976).

A variety of comments were received on geographic areas of management concern (GAPC's and APR's) including concern about who will designate them and how. There is a call for local and citizen involvement in the process and federal agencies suggested that their managed areas also be included. There is some question as to what is meant when a GAPC or APR is designated but is not state managed now.

Within the "uses" issue, concerns were expressed as to the definition of terms such as "direct and significant", and who will determine the uses of concern to the Program. The "who will do it" question comes through in comments on the boundary delineation process also. There is some question as to who will have the final approval! While some comments say the program area might be too large in certain areas, others express concern that it not be too narrow. There is still some confusion as to the meaning of a program "planning" area versus the area delineated by the boundary.

1) Areas

****Comments received about Position Paper, Aug 1976 concerning Geographic Areas of Management Concern**

CAC -Comment: The first paragraph separates environmental quality from economic development. The former is always a consideration in economic development and should be stated as such.

-Comment: In southeastern Wisconsin, much of the misunderstanding of the program stems from its participatory process. Many citizens and officials are waiting for specifics before participating.

-Comment: There is a growing concern and a need to compensate localities when state land purchase is necessary in order to offset local tax base losses.

SEWRPC
TCAC -SEWRPC has already identified all these types of areas in Southeastern Wisconsin, so there is no need for Council to do this.

Brown
County -Section II A states that Geographic Areas of Particular Concern should be designated by the Council. It is requested that provisions be made for early recognition of existing plans and recommendations relating to the coastal area. In addition, procedures should be established for notifying local governmental units of potential GAPC's and APR's in their jurisdictions so conflicts between state and local plans can be resolved prior to designation of areas by the Council.

-If areas attract sufficient state concern to warrant designation as Coastal Zone Management areas (GAPC and APR), should local units of government bear the major responsibility for managing the resource?

USDI-
F&WS -(1) These areas should include those of national as well as state-level concern: (2) fish and wildlife habitats should be included in APR category.

USDI-
BOM -Expressed concerns relative to allowing development of mineral deposits in the coastal area.

WEPCO -Specific geographic areas should be identified.

****Comments received about Working Paper 1, November 1976 concerning Geographic Areas of Particular Concern**

CAC -(Individual Comment): The second GAPC category refers to utility sites and port-related activities as being especially suited for water-related economic development. Power plants could locate away from the shore.

-(Individual Comment): Energy facilities are a primary national concern and cannot be excluded from the coastal area.

CAC -CONSENSUS: The process for designating additional GAPC's should specifically include provisions for a public hearing. Initial GAPC designation will have public hearings as part of the Program Proposal.

-CONSENSUS: While much attention is given to the process for designating GAPC's and APR's, some attention should also be given to the process of "undesignation."

-CONSENSUS: The provision in (2)(b) which allows nomination of GAPC's by citizens is well conceived and should be retained. It is important that citizens be included in the process.

-Motion (Passes with dissent): The 30 day review process outlined in (2)(e) seems appropriate and should be retained.

-CONSENSUS: The negotiation period and process outlined in (2)(e) should be identified and clarified.

BLCTF -Issues raised by Task Force members included: (Brief answers are provided where appropriate.)

-Would the GAPC's include incorporated areas? (Yes, if the area met the criteria established by the program.)

- Who would manage the designation process? (The Coastal Council would make the final designation.)
- Would local units of government have a say in designating Geographic Areas of Particular Concern? (Yes. Local units and citizens would be asked to participate in the process.)
- Concern was expressed that if we designate too many Geographic Areas of Particular Concern, we would be taking up too much land.
- Will there be a change in the existing management or land purchase processes? (No.)
- California's Coastal Program is strict and specific, right down to designating what color shore structures must be painted. Wisconsin should not follow California's lead.
- We have a procedure for designating Geographic Areas of Particular Concern, but what about a process for removing that designation? (This has not been considered. It will be brought to the attention of the Council.)
- Who has the final say if the Council's idea of management and a state agency's desires differ? (we need a clearly designated grievance procedure or mediation process to settle such disputes.)
- Notice of the subject of the 30 day review process must be made available to citizens. Notification should not just stop with the local unit of government.
- Along with legal notices, we need "common language" notices.
- A sketch map of the proposed Geographic Areas of Particular Concern should be published with such notices.
- The review period should be extended to 45 or 60 days, to allow sufficient time for citizens reaction.
- Notices should go to local media as well as interested citizens and the local officials.
- page 2, II.A., end of first paragraph - It would be helpful to illustrate the GAPC example with an identification of a few specific sites.
- page 2, II.A., last sentence - The statement needs further explanation. For example, local people might be concerned if the CMP would be intended to pay for the administrative management of a state park. What does it mean to say "...program funds will be available to see that the area is properly managed."?

WDOT

-Page 3, II.C., first paragraph - Because the state already manages the state owned facilities, an identification of these sites as a discussion point for the spring 1977 public review meetings seems insufficient. Local people, especially those skeptical of the programs intent, will want to know "what else" the state has in mind to manage. That the procedure for additional GAPC's will be applied will not be an adequate answer.

-page 4, II.C. (2)(b) - This public nomination process should include an explanation of: a) who prepares the environmental and economic impact assessment and how is this financed, and c) what is gained by having a locally (non-state) owned area designated as a GAPC.

-page 5, II.C. (2)(h), - It is conceivable to have a locally managed GAPC. What happens if it is not managed in accordance with the approved management policy? Shouldn't the it at the end of the first sentence be them?

USDI-
F&WS

-Page 2, Section II.A. Geographical Areas of Particular Concern. The penultimate sentence of paragraph one is true but should be expanded to show that there are coastal wetlands of great environmental value lying inland, beyond, or above the present "ordinary high water mark" which is the landward limite of state regulatory jurisdiction. Federal jurisdiction over these areas,...extends to "the waters of the United States" and therefore inland of present state control. Therefore, it would be better if the landward limit of the GAPC's include all coastal wetlands rather than be limited to those areas "...already reflected by state management attention."

-Page 3, Section II.C. Procedures for Designating GAPC's. Subsection (1)(a) Insert "federal and" between "all and "state" in sentence one. This is to conform with the statutory requirement to identify all federally owned lands as noted on page 11 of your draft.

USDA-
MA

-Page 3, C. Procedures for Designating GAPC's. Will the Council or Subcommittee have a member representing public and private port facilities as related to the waterbased maritime industry?

USDI-
SCS

-Procedures for Designating GAPC's, page 3: The draft procedures place a high priority only on the first of the three categories of GAPC's. The procedures appear to be more of anext six-month schedule than lasting guidelines for designating GAPC's.

Also, the procedures indicate that nominations will be accepted for GAPC's in advance for the completion of critical area inventories. We believe an inventory should be available prior to or immediately after a GAPC is nominated.

USDI-
BLM -Page 2: IIA Paragraph 3 - Suggest using the criteria outlining the eight factors for identifying areas of particular concern instead of the three categories listed. Introducing new categories or criteria confuses the issue. Also, one of the criteria factors used to identify CAPC's. "Areas of urban concentration where shoreline and water uses are highly competitive" does not fit into either of the three categories.

-Page 4: IIC (2)(b) - Suggest the addition of federal agencies to the list of nominating groups.

**Comments received about Working Paper 1, November 1976 concerning Areas for Preservation and Restoration.

CAC -CONSENSUS: Because designation of APR's may require purchase by the state (second paragraph), it is very important to continue to include and stress the program's examination of local tax base impacts.

BLCTF -Applications on Areas for Preservation and Restoration should go through the local unit of government. Public funds should not be used for private purposes.

-Local government has not always pursued the public interest. What do you do when local government doesn't respond to citizen concern?

-Everyone must have access to the Great Lakes. All of the state's citizens should be considered. Local government should not have power to veto projects of greater than local benefit.

-The key is the tax base. Local government would oppose actions which would reduce the tax base, or result in local costs.

-Could the Council recommend that towns be reimbursed for loss of tax base? (This issue is considered on page 5 of the Working Paper.)

-We should look not only at the lost of potential development, but also at the extent of actual benefits. How much benefit would the unit of government actually get if an area were developed? There are many costs that are often not considered.

-The amount of land we have is limited. We must look carefully at all of the implications of land use decisions.

WDOT --page 6, lines 4-9 was it intentional to include environmental examples, or would yacht clubs, private recreational boating facility operations, etc., be eligible to receive this designation to protect their use?

--page 6, line - The word benefit needs to be defined as to whether it means economic benefit, social benefit, environmental benefit. Would an economic and environmental analysis be required for the APR designation process?

USDI-
F&WS -Page 6, Section II.D. The first of the list of factors to be used in setting priorities for council designation of APR's should have "federal and" inserted between "with" and "state."

USDA-
SCS -Priorities for APR's, page 6: The priorities list appears to leave out a very important consideration--the significance of the proposed area for natural, scientific, historic, or cultural values. The more significant areas should be preserved or restored first.

2) Uses

**Comments received about Position Paper, August 1976 concerning Land and Water Uses of Management Concern

CAC -Comment: There is a need to develop concise and clearly understood definitions for terms like irreversible, and it might be useful to list these in an appendix or glossary.

-Comment: The language of the last paragraph on page 3 (especially the "unless" clause) is confusing as to purpose and meaning.

-Comment: It would be useful to describe the need to be forward-looking and to document the future and its implications (recreation pressures, energy shortage, etc.) before the section on policy statements.

SEWRPC-
TCAC -Concerned about the broadness of potential regulation of existing uses (the clause following "unless" at the bottom of page 3).

-Who will determine when a particular use is "direct and significant"? Local governments or the Council?

-The terms used in the definition of "direct and significant" are too broad, particularly numbers 1, 3, and 7. On use priority number 5, is the council implying that non-resident uses may be displaced?

Brown County -It is recommended that the list of factors defining significance in Section IIB be expanded to include the following:
"Is the proposed use in conflict with local comprehensive plans?"

**Comments received about Working Paper 1, November 1976 concerning The Importance of "Direct and Significant" Uses and this Definition

CAC -(Individual Comment): The last paragraph on page 7 states that no uses will be automatically excluded, but there are some which conceivable should be.

-(Individual Comment): It is impossible to automatically exclude some uses under state law, and the wording of the last paragraph is consistent with the federal Act.

-CONSENSUS: The last sentence on page 7 should be expanded to more specifically define impact: "...standards for use acceptability will be based on the social, economic, and environmental impact the proposed use would have..."

-CONSENSUS: The phrase "access to a public resource" (under the definition of significant), should be expanded to guarantee public access to beaches and other shoreline areas which have ecological, historical, recreational, cultural, or esthetic values. This clarification would be consistent with the 1976 Amendments to the federal Act.

-CONSENSUS: Regarding the list of uses and activities on pages 8-9, it would be extremely useful to identify the responsible agency and to group the list into relevant categories for easier understanding.

-CONSENSUS: Regarding the highways item on the list (the second to the last one), why are state and federal highways excluded? This item should be clarified.

-(Individual Question): How do non-navigable waters relate to the uses and activities on the list?
ANSWER: The state does not have responsibility for their management, but the current definition of navigable may be so inclusive that it will include all waters in the coastal area.

**Comments received about Working Paper 1, November 1976 concerning Development of Regional Benefit

CAC -CONSENSUS: It would be particularly useful, for this section especially, if the relationship of population trends to resource uses could be summarized in an introductory section.

CAC -(Individual Comment): Would the word "benefit" be more appropriate than "impact" in (C)(2), the second part of the definition? "Impact" can also include negative environmental considerations and doesn't seem consistent with "uses of regional benefit."

-(Individual Comment): "Impact" is a neutral word, and perhaps, the definition should include consideration of negative benefits.

-(Individual Comment): It must be assumed to apply because that is the state focus of a potential program.

**Additional Comments on Working Paper 1, November 1976 concerning Uses

NWRPC -The Commission supports the State's findings that present state and local regulations are adequate to control land and water use along the coast. Any further administrative rule-making which affects local authorities should be developed with full local government participation. Program resources should be used to prepare and implement local plans and improve state and federal decision-making. (Policy Position Paper adopted by NWRPC November 30, 1976).

BLCTF -In distinguishing between "navigable" and "non-navigable" waters, how do we define "navigable"? (This continues to be the subject of study. A brief staff report will be prepared for the Task Force in the near future.)

-What provisions are being made for changes in population trends? There should be specific provisions made, not just implied provisions.

-Local planning should be mandatory. Local government can't handle the changes in population trends.

-Would agricultural land come under this program? (Only if it comes under an existing state management activity.)

-It was recommended by the Task Force that in Working Paper 1: Program Subject Matter and Boundaries, on top of page 9, laying out, altering, or discontinuing town or county highway" should be revised to include all highways. Thus, the reference to "town or county" should be removed.

-The Task Force also recommended that the list of uses and activities on pages 8 and 9 should include an indication of which state agency is responsible for management of that activity.

WDOT -page 8, III.B. 1) - Is this definition of "significant" seen as including transportation facilities and services within the coastal areas?

-page 8, III.B., list of use and activities - Is it the intent of the author to include highways and airports in the items dealing with state owned or funded facilities? The question is asked because these facilities have not been included in previous examples.

-page 10, III.C.4, 5th line on page - Would the Council be organized with a legal arm or would another agency's attorney be "retained"?

USDI-
F&WS -Page 8, Section III.B. Definition of "Direct" and "Significant". Include at the end of the thirteenth item from the bottom of the page "as defined by Section 404 of the Federal Water Pollution Control Act Amendments of 1972."

USDA-
SCS -The Importance of "Direct and Significant" Uses, page 7: The statement that existing authorities are adequate in the third paragraph is not technically correct. For example, if critical sediment producing areas are identified, the state has no authority to regulate protection. It is also doubtful that a local municipality could enact zoning regulations for erosion and sediment control for only certain areas within its boundaries.

-Definition of "Direct and Significant," page 8: We suggest one definition of direct and significant as follows: Any activity which alters quality of a public resource (state) and/or creates direct discharge of pollutants into water of the Great Lakes.

-Regarding development of regional benefit, the definition of "unreasonable local exclusion" should be clarified. We also would like to know what criteria would be used to define "legitimate factors" for determining whether any exclusion would be of "detriment to the region".

3) Boundaries

****Comments received about Position Paper, August 1976 about boundaries.**

CAC -Comment: There is some apprehension in the southeast that the Council will override local boundary delineation through its amendment powers.

-Comment: The wording, "The boundary must not be arbitrary and should be clear, unambiguous. . ." should be clarified to read, "The boundary must not be arbitrary or capricious and should be clearly identifiable and, if possible, linear."

-Mr. Frank Boucher (WEPCO) of the Citizens Committee thought setting the boundary should be the first major step of the program, that addressing other concerns first was "putting the cart before the horse."

SEWRPC-
TCAC -The management area boundary should reflect urban concerns. The area of influence is much too big; coastal estuaries would be sufficient. Will the Council really have authority to change boundaries on its own motion?

UNSGP -p. 11, par. 3 - After RPC's/local government draw preliminary management area boundary, this boundary should be checked by the staff and Council to be sure it meets the criteria. The Council should not draw the boundary, but it certainly must be sure the boundary meets the adopted criteria before going to public meetings.

****Comments received about Working Paper 1, November 1976 about boundaries.**

CAC -CONSENSUS: Item 1 on page 13 needs to be clarified. Will the state have the ability to pursue the enforcement of local laws? and vice-versa?

-(Individual Question): Regarding the third item on page 13, will counties be encourage to do planning and to hire staff?
ANSWER: Those provisions will be outlined in the funding paper.

-(Individual Question): What inducements will there be for county planning if the management area is not going to be much larger than already exists through shoreland zoning?
ANSWER: While the program will not have the authority to mandate planning, it can encourage planning and enforcement through dollar incentives.

--(Individual Question): Is there a bias toward towns?
ANSWER: If anything there is a bias toward counties. The question will be better answered by the funding paper now being developed, but the "Framework Paper" suggested that towns could only receive funds directly if counties did not want to participate.

NWRPC --They requested that detailed guidelines be provided to the Commission for its work with local governments in delineating the boundary. (Policy Position Paper adopted by NWRPC November 30, 1976).

NWRPC-CTAC --Recommends the inclusion of the following areas within the boundary:

1. The entirety of incorporated cities and villages (including unincorporated) abutting Lake Superior.
2. Flood hazard areas.
3. Areas that impact water quality.
4. Trout streams and their tributaries going back 1,000 ft.
5. The 1,000 foot shorelands areas regulated by county ordinances.
6. Other areas of concern as recommended by local units of government.

--That the commission assemble such information on maps and solicit perceptions of local governments on the boundary during February and March 1977.

BLCTF --Task Force concerns focused on the need for local citizen involvement and for involvement of local units of government. The Task Force will be asked to participate in the delineation process in the near future.

WDOT --page 13, IV.B. (1) - Explain what is meant by "the ability to pursue the enforcement of existing laws;"

--page 13, IV.B 2nd and 3rd paragraph after (3) - Is this the appropriate place to discuss a specific situation, such as the Congressional designation of a navigation channel?

--page 14, IV.C. - The logic for inclusion of a "program planning area" is not made clear. There are a number of existing mechanisms for county wide coordination, including locally elected bodies. If this is to be discussed more explanation of how the planning integration would take place is necessary; for example, can CMP funds be spent for planning in the Planning Area?

USDI-F&WS --Page 12, Section IV.B. Program Management Area. The U.S. Fish and Wildlife Service wishes to participate with the Council and in other agencies in delineating the landward boundary of the Program Management Area.

USDC-MA --Page 12, B. Program Management Area. Will consideration be to the significance of the economic benefit of waterbased industry and maritime transportation interests?

USDI-BLM --Page 13: VI B (1) - Inclusion of entire state forests may involve too large an area and may extend miles away from the shoreline. Activities on these lands are likely to have no direct or significant impacts on the coastal waters. State forests, unless they contain unique natural, recreational, scientific or historic values generally would not fall under the definition of "area of particular concern."

b. Organization for Implementation of the Proposed Management Program

This section reports comments received on program organizational and funding issues--as set forth primarily in the Position Paper (August 1976), the Framework paper (November 1976) and Working Papers 2 (Organization - December 1976) and 4 (Funding - January 1977).

A number of comments were received on program organization expressing concerns such as who should head up the program and the size and makeup. The need for a citizens committee is both questioned and supported. A considerable number of comments dealt with what kinds of functions the council would be responsible for and how its role would relate to other state and local agencies, both legally and substantively.

Program funding comments expressed concern over how long funds would be available and for what purposes they would be used.

1) Program Organization **Questionnaire Results

--The coastal management questionnaire included two questions specific to a potential Coastal Management Council. Results show that respondents favored a membership consisting of a mixture of citizens and government officials if a Council is established. They also preferred that members be appointed in part by the Governor and in part by local government. Many people wrote in "election" as an alternative for appointment.

****Comments received about Position Paper, August 1976**

- CAC -Comment: A documentation of the rationale for the organizational structure would be useful.
- Comment: There is resistance to the Governor appointment process (questionnaire results to date). If the intention is to maintain the existing nomination process, documentation of both state and local nomination roles would be useful.
- MOTION (FAILED): The Committee recommends consideration of language which would require representation of both the majority and the minority parties of the Legislature on the Council.
- MOTION (PASSED): At this time and based upon preliminary deliberations, the Committee strongly recommends there be a separate citizens advisory committee for 306 implementation. Committee concerns regarding the scope and validity of possible functions and the need for a self-destructing mechanism will be further discussed and recommendations forwarded.
- MOTION (PASSED): The Committee also strongly recommends independent staffing for a future citizens advisory committee as a condition of its existence.
- MOTION (PASSED): In order to maintain strong citizen representation, the Committee endorses, at this time, the option for 3-at-large citizens and 3 committee representatives on the Council.
- CAC -A member of the Citizens Committee has extensive written comments on the Council make-up. In summary, the concerns expressed include: a 24 person Council is too large; the Council seems to be created in the present Council's image and the program results to date indicate that this may be the least effective way to manage the coastal area; alternative structures should be presented; the Council suggested has no public accountability; state agency representation on the Council raises conflicts of interest when overseeing state agency compliance with the program and making WEPA reviews.
- CAC -A-95 and WEPA reviews by the Council would be duplicative, too time consuming.
- SEWRPC-TCAC -Expresses concern that the six locally elected officials be from coastal localities (rather than, for example, anyone the town Boards Association might want to appoint).
- Suggested the state agency representatives be non-voting ex-officio members of the Council.

-Felt state interests would dominate Council; suggested the Council be all citizens; requested options be kept open until after the public hearings; and if you are only making incremental changes in existing management systems, why do you need a Council at all? Why not just a staff effort?

NWRPC
staff

-The NWRPC staff comment on Council membership suggested a 25 member Council with equal state-local representation, the make-up to be as follows:

- 12 state representatives (7 state agency representatives; 2 UW representatives; and 3 locally elected officials with a state-wide perspective (perhaps 1 appointed by Legislature, 2 by the organizations listed on page 6 of the report));
- 12 local representatives, appointed by the RPC's, with 4 being from each of the regions (of the 4, 2 would be citizens, 1 a local official, 1 a legislator);
- 1 tribal representative.

-NWRPC staff suggested that since there would be six citizens on the Council, there is no need for a separate Citizens Committee.

Technical and Financial Assistance for Localities

****Comments received about Position Paper, August 1976.**

CAC

-MOTION (PASSED): The Committee recommends that localities receive financial support in the most direct fashion possible and endorses the intent of the options laid out in this section.

-MOTION (PASSED): The Committee recommends clarification on the availability of (and mechanisms for) financial assistance to towns through the counties in order to wisely and fairly allocate limited funds among many units of government.

-Comment: Existing intergovernmental committees (including county, RPC, or other) should be encouraged to provide relevant local coordination mechanisms for 306 coastal management.

SEWRPC-
TCAC

-Individual Comments: Requested that towns also receive financial assistance.

-Wondered if local participation would really be "voluntary". Also wanted to see more specificity on minimum standards to be adopted by Council.

-Expressed concern that if localities received money for planning, the plan would have to meet state approval (in the 306 phase of a program).

NWRPC
staff

-The RPC's should manage the local assistance program. Funds would go to the RPC's, with a set percentage being passed through to local governments. The RPC would prepare an annual coastal work program which would then be endorsed by localities and included in the overall RPC work program. DLAD and UWEX would plan supportive roles, but the RPC's would have basic responsibility for the program. Further, regional clearinghouses would be housed in the RPC's.

SEWRPC-
TCAC

-Individual Comment: SEWRPC already does this. This is our job and we currently do an adequate job of it. There is no need for an additional structure. (Local coordination function)

NWRPC
staff

-NWRPC staff also suggested moving this function from the county to the regional level. (Local coordination function)

Brown
County
staff

-Specific procedures for insuring compatibility of the Coastal Zone Management Plan with other plans (e.g., HUD 701 and EPA 208) should be established in the Coastal Zone Management Development Program. Section III A appears to be a satisfactory location to set forth the procedure.

-Section III B provides several methods of financial and technical assistance for localities including "perhaps as much as two-thirds [of the total annual funds]...for coastal planning and management". Particularly in areas where considerable state and local efforts have been extended to develop effective management agencies and plans, it is hoped that the applicant will consider placing greater emphasis on state acquisition of designated areas with available funds. Acquisition insures direct public management.

Village
of
Bayside

-Instead of more bureaucracy why not just establish an unpaid state citizens' advisory committee with technical assistance provided by present local and regional staffs?

-Your council should be comprised mainly of local elected officials and/or administrators, and fewer state agency representatives. You conveniently list no projected costs for program staffing. Whatever your initial proposal, it can only escalate and I must reiterate - who needs it?

WDOT

-Section III., Initial Coastal Program Organization (starting on page 6) requires some clarification:

a. It would appear that the proposed Council would both set policy and then administer policy. It is implied that the powers of the Council would be rather broad and all encompassing, thus suggesting a new management level.

Is this a contradiction of the overall philosophy expressed to date of using (and strengthening) existing management techniques?

b. It is not clear what is meant by "the Council would oversee the provision of technical and financial assistance to localities . . ." Is this intended to apply to all programs which have technical and financial elements applicable to coastal communities, or is it intended to apply only to coastal management act program funds?

-It is not clear why transportation is only considered to be a state level concern in Appendix 3. It is listed in the state level concerns but not the state-local level concerns.

UWSCP

-If, as appears to be likely, the Council is dominated by citizens, the role of a Citizens Advisory Committee "to monitor the program from a citizen's perspective" becomes redundant and of no real use. Secondly, I personally believe that the responsibility of the Citizens Committee to "oversee a strong public participation effort" is likely to be divisive once the program is established, i.e., 306 program.

-On third function of Council, oversight of state agencies - cooperation of state agencies should include possibility of direct assignment of agency staff to assist the Council when such expertise is needed. Such staff would be on TDY to Council and agency would be reimbursed for the loss of their staff's time.

-I'm beginning to question the need for a Citizens Advisory Committee in view of comprehensive responsibilities assigned to Council and the likelihood that citizens will dominate the Council.

-The Program will need a director - it cannot be run by a Council and a staff.

** Comments received about Framework Paper, November 1976 on Program Organization.

NWRPC

-NWRPC - The Commission's representatives on the State Coastal Coordinating and Advisory Council have a responsibility to report findings to both the Commission and to local governmental units within their respective counties. Commission members too should help report program findings to their member local governmental units. Commission staff will be available to assist the Commission representatives.*

-No new free-standing committees should be established for the program [apart from existing NWRPC committees]*.

**** Comments received About Framework Paper, Nov 1976 on Financial and Technical Assistance to Localities**

NWRPC -Through its Coastal Committee structure the Commission should develop an annual program of financial assistance including planning and other technical assistance for coastal local governmental units. This annual program would be adopted by each coastal county board and become the annual operation plan for each year of the program in Northwest Wisconsin.*

-The Commission should be the lead agency for providing, planning and other technical assistance to coastal towns, cities, villages and counties. The Commission should have the flexibility to: pass state/federal assistance funds directly to local governmental units; coordinate and bring together a variety of other local, state and federal program resources; provide technical assistance through its own staff; or contract with local governmental units for consultant studies.

**** Comments received about Working Paper 2, December 1976 on Program Organization**

CAC -(Individual Comment): The last sentence should be strengthened so that the state has an affirmative responsibility in the partnership concept to assure local implementation and enforcement of local responsibilities. This is stronger than assuring local capability for enforcement.

-(Individual Comment): If a local problem arises and the local authority does not choose to implement an ordinance, the state has no authority to force local implementation. The state can only provide incentives to assure that local governments have the capability to carry out their responsibilities.

-(Individual Comment): Items 5 and 6 do not adequately say that if it's worth spending the money and time to plan something locally, then the next step -- local implementation, is most essential to good management in the state-local partnership concept.

-It should be clearly stated that the state level body would be a commenting agency under A-95 reviews and would be an addition to the existing review structure and that it will not duplicate or take the place of existing review procedures.

-There is a potential conflict of interest if one of the major functions of the state level body is to oversee state agency compliance and the applicable agency is allowed to vote on a decision to pursue better compliance.

-The paragraph on coastal advocacy is a potential source of conflict. While, on one hand it does honestly state the future possibility of potential comprehensive legislation, it also does not refute certain local fears that the door is opening for state land use planning.

CAC -Consensus: Add between (a) and (b), "Documentation of selection process "as a new item (b). Change (b) to (c) and (c) to (d). Add item (e), "Public Notification of Appointment."

-Consensus: Item b(2) should be changed to read "Initiate and and co-sponsor public participation efforts."

-(Individual Question): Under 2.a.(9), what happens if a local unit of government goes off in a direction contrary to the program's intentions? Answer: The state is only interested in certain state-level areas and uses and the state has management authority over those. The majority, however, are not of state interest, and the state has no authority to question local actions concerning those. This function is a service to participating local governments, at their option.

-(Individual Question): What causes state-local dialogue to begin? Answer: Applying for permits or funding from the state. Another kind of dialogue may occur with regional technicians in the planning process.

-Consensus: Under 2.b. "Council make-up and selection," local government-oriented members should be from "coastal" counties, cities, and villages or towns.

-Consensus: In 2.b. again, the University of Wisconsin representatives should be listed separately as one is responsible to a Chancellor and the other to the President of the UW System.

-Consensus: If the intent of the "local government-oriented members" is to maximize representation of elected officials, what about the local official who is appointed for two years to the Council and only holds local office for six months? One solution might be to appoint local officials for a set term or until they leave office, whichever is shorter. In this case, a mechanism for filling vacancies should also be identified.

-Subcommittee Recommendation -- Council Make-Up

-Why is the Department of Agriculture excluded from the Council?
The transition of agricultural land to residential and commercial uses is a major land use planning problem in the state.

-Assembly and Senate representatives on the Council should "preferably" be from coastal districts, not just "perhaps."

-Criteria for selection of locally-oriented members by the regional planning commission should include "due consideration to representation from the geographic extent of the region and from only the coastal counties." If all of a region's representatives are from a single county, or if they are from non-coastal counties, it will be difficult to generate voluntary participation in local management from the other unrepresented coastal counties.

-Though the method of selection of locally-oriented members via the regional planning commissions is simple and straightforward, it may not be the best vehicle. What about those units of government which are not on good terms with, or have withdrawn from the RPC's? Is there any guarantee that those counties with the longest shoreline (or the greatest coastal problems) will be represented? -- The tough political decisions have been transferred from the state level to the RPC's.

-Are you aware that only six of the ten locally oriented representatives are required to be elected? The other four may potentially have less accountability than the state agency representatives. How does this affect the state/local balance?

-For simplicity and consistency with the rest of the proposal, there should be three coastal citizen representatives, one from each region.

-Subcommittee Recommendation -- Separate Citizens Committee

-While the Committee has gone on record as strongly endorsing the need for continuation of a separate citizens committee, it is essential that the need for a mandatory re-evaluation of role be stressed and understood.

-Consensus: Under 3, "Separate Citizens Advisory Committee," the last paragraph should be changed to read "The Citizens Advisory Committee will annually initiate a re-evaluation of its role and functions and its need for continued existence."

-Setting Up the Alternative Chosen

-Consensus: The first alternative, "Legislation" should be clarified. Legislation which would mandate the initiation and organization of the Council is vastly different from comprehensive legislation which mandates management authority.

-Consensus: The pro's and con's of "Executive Orders" versus legislation via the budget process or a special bill should be identified for the February Committee and Council meetings.

-(Individual Question): People are going to ask "If there is nothing special for the Council to do that is not being done now, then why should an extra governmental layer be established?"

ANSWER: That's one of the basic questions which must be answered in review of the entire Program Proposal. As it presently stands, the program would monitor existing authorities for compliance and would advocate new authority as appropriate. Your question still remains and must be discussed.

BLCTF

-Function: need for local input into the decisions

-Function: education/awareness -important role

-Organizational option no. 1 - A state agency with no council - opposed to but stress need for simplicity at the same time.

-Preferred a policy-making council, with some concerns expressed about state agencies sitting and voting on the Council.

-Citizens Committee - why does Milwaukee Co. get six representatives, most of whom don't even live near the coast? Recommend four.

-Some concern expressed about too few inland representatives

-Individual comment- would recommend dropping the City of Milwaukee from the Council membership.

-Individual comment- would like to see it go to legislation.

USDC-
MA

-Recommends adding to the membership of the State Coastal Citizens Committee representation from "water based" industries.

USDA-
SCS

-We question how visible a 28-member policy setting council would be. For the most part, these individuals will be appointed and will be accountable only to the special interest group they are most closely associated with.

-Creation of councils is a quick, easy way to expand government unless they are ad hoc with a definite lifespan. What is the lifespan and what kinds of costs would the council incur?

-Are 28 members needed? Why must 7 state agencies have voting power. Could state agencies provide technical counsel (non-voting)? The same can be said for local government representatives. Why three from each area? Could one local representative from each area be made accountable for representing counties? Also, could one member represent the university.

-One option which apparently was not considered is a small policy making council of 5 to 13 members with an agency technical function. This option may, to a degree, overcome the major disadvantages of the first choice option.

-Costs of administration, efficiency, and responsiveness are extremely important criteria in any governmental organization today. More and more the public is demanding accountability in these areas. The selected option appears to score poorly in all of these three areas.

2) Program Funding

**Comments about Working Paper 4, January 1977.

CAC -The longevity of funding authorized by Congress in the Act should be clarified. At present funding is only authorized through 1980 for most sections of the Act. The uncertainty of federal funds and even the possible tax load for Wisconsin after that date should be noted.

-The Committee emphasized that funding dollars should be geared toward action projects rather than the establishment of a large bureaucracy. That is, only a very small proportion of funds should be allocated to Program Administration and the vast majority should be spend on projects which improve state and local coastal management.

-Since some Committee members feel strongly that local enforcement of local ordinances is a major management problem, the Committee is encouraged to see that enforcement is a permissible use of Local Assistance dollars.

USDC-MA -The general outline of Program Funding is acceptable in form.

USDA-SCS -It would appear that several resource inventories are essential for carrying out the Coastal Management Program. Program funding proposals should include funds for accelerating inventories, such as the soil survey, wetlands inventories, and prime farmland inventories.

3. GENERAL COMMENTS

A few comments referred generally to the proposed Coastal Management Program.

** Comments received about Position Paper, August 1976.

SEWRPC- -Individual Comments:

TCAC -As for the three underlying concerns, are there any indications these concerns are not being properly addressed now? That is, is there really a need for this program?

-Is there a requirement in the act that these areas and uses be managed by the state?

-As for using existing management programs for implementations, won't OCZM require the state to enact new comprehensive legislation? What are the "exceptions" to existing adequate coverage? Has the Council looked at any specific problems? Need some specifics on why there is any need for this program.

-The use of terms like "initial emphasis" is an indication the Council wants to get its foot in the door and then seek major legislation.

-This approach looks like a backdoor approach to state land use planning.

BLRPC member

-Although the impact on Florence County would be marginal in all probability, since we are some 80 miles from the Great Lakes Area, as members of the Planning Commission I can see only good results that can be obtained for the future in such planning so that the fullest potential for the region can be realized.

-The manner in which it is managed should be of concern to the local populace, and, the proper information, education and opportunity for citizen participation in the program should insure the success of the plan.

Village of Bayside

-In your position paper you acknowledge state law deals with most coastal management issues, I question why we need another state agency to administer the law.

-You say present rules seem satisfactory; how long before your new agency changes the rules?

-Is this another means to usurp local control?

-Who would actually manage our coast line?

-Would the state purchase A.P.R. areas by condemnation?

-In the last paragraph of page 3, (position paper). Are you suggesting the council authority may supercede local control?

-On page 5, last paragraph. Are you suggesting regional interests will be served at the expense of local interest?

-On page 6, you say more legislation would be sought if necessary. What is the local input?

WDAg

-Throughout the paper, the statement is made that there should be assurance that localities have adequate capabilities to carry out their responsibilities. I am sure that local communities do, in many instances, have capabilities or they can be provided. However, there is another element that needs to be added, and that is the one of either motivation or persuasion in instances where communities do not choose to follow state guidelines even though they have the capability.

USDI-
BOM

-Suggested that the Council consider the value of mineral resources in the development of a management program, and encourage mineral inventories, extraction, and reclamation.

**Comments received about Framework Paper, November 1976

NWRPC

-The Commission believes that the program should continue into the implementation phase only if there is local governmental support of the program and its organization.*

-The State of Wisconsin is the chief architect of the Coastal Management Program. But since the program proposes a state/local partnership final program proposals should be presented to each coastal county board and city for endorsement prior to public hearings in April and May of 1977.*

-Administration of a Coastal Management Program: First, the need for, and purpose of, a program should be defined before its administrative procedure is set up. The Commission urges the State Council to stress solutions to coastal problems. The Commission is concerned that the Coastal Management Program may be considered as another layer of government in areas of land and water use regulation, grants in aid, and federal/state/local relations. Creation of any new State level structure should take place only with broad public understanding and local support for its need.*

-Early in 1977 the Council received resolutions from four local units of government in southeastern Wisconsin - the City of South Milwaukee, the City of Racine, the City of Oak Creek and the City of St. Francis. The resolutions conclude that a Coastal Management Program is not necessary.

*Policy Position Paper adopted by NWRPC on November 30, 1976

MINUTES
JOINT COASTAL COORDINATING AND ADVISORY COUNCIL
CITIZENS ADVISORY COMMITTEE MEETING
Thursday, Friday; February 24-25, 1977
Fox Hills Inn
Mishicot, Wisconsin

Council Members Present: Diane Brinson, Steve Born, Henry Buffalo (for Gurnoe), George Berteau, Marcel Dandeneau, Rufus Entringer, Harvey Grasse, George James*, John Kerski, Art Kurtz, Ted Lauf, Sharon Metz, Michael Monfils*, Ella Opitz, John Post (for Tollander), Bob Ragotzkie, Dorothy Sanders, Nancy Schreiber, Ted Seaver, Marie Sladky, Phil Winkel (for Grausmann).

Council Members Absent: Marv Beatty, Jeanne DeRose, Robert Dusenbery, Arne Grausmann, Richard Gurnoe, Harout Sanasarian, Charles Tollander.

Citizens Committee Members Present

L.M. Cowley, Florence Dickinson, Lewis Dixon (for Boucher), Patrick Doyle*, David Legg, Sr.*, Eileen Merhart, Alayne Locket, Charles Rice, John Saeman, Phil Sanders*, Jack Severson*.

CMP Staff Present:

Nancy Begalke, Carol Cutshall, Bruce Loppnow, Kathleen Kelley, Al Miller, Dave Owens, Jim Purinton, Don Reed, Garyl Terrell, Dave Thomas.

Others Present:

Ralph Bergman*, Bob Entringer*, Jerry Kirchner*, Wahnur Opitz, Dale Preston, Ed Schnell**.

- * Joint Meeting (Thursday) only
** Joint Meeting (Friday) only

KK:ba-63672

I. MORNING SESSION - February 24, 1977, 9:40 a.m.

Stephen Born welcomed everyone to the Joint Coastal Coordinating and Advisory Council and Citizens Advisory Committee Meeting. He asked that a moment of silence be observed in memory of Senator Jerome Martin. He noted that Senator Martin had been a good friend and attentive to the problems of the coast.

Steve Born stated that the purpose of the Joint Meeting is to review the Preliminary Draft Proposal, instruct staff on revisions and when ready, present the Proposal at public hearings.

Documents for discussion were numbered in the following order:

- #1. Preliminary Draft - Wisconsin Coastal Management Proposal;
- #2. Public Participation, Appendix E. 2C;
- #3. Goals and Policies - A Proposed Alternative;
- #4. Boundaries/Areas of Particular Concern;
- #5. Legal Authority for Implementation - Appendix H;
- #6. Creation of the Wisconsin Coastal Management Council.

A. Minutes

It was moved by Mayor Monfils and seconded by Ted Seaver to accept the Minutes of the January 5-6, 1977 Joint Coastal Coordinating and Advisory Council and Citizens Advisory Committee Meeting. Motion carried.

-George Berteau requested the use of page numbers in the future. Council agreed.

B. Overview of Coastal Management Proposal

Al Miller explained the format of the Preliminary Draft Proposal: Summary; Proposal and Appendix, (technical requirements).

-George Berteau noted that two days of good detailed discussion of this Proposal is needed in order for Council, Members and staff to take it to the public hearings and explain it.

C. Issues (Document #1 - pages 3-8)

Garyl Terrell noted the eight issues in the Proposal; erosion, economic development, port development, public access and recreation, water quality, power generating facilities, commercial and recreational fishing, water front blight and aesthetic concerns, and quality of shoreline development.

-Steve Born noted the CAC concern that the language in this section should be more crisp and concise. He felt there was a need to edit out the question statements. Caryl Terrell explained that information concerning public input on these issues is contained in Appendices E and F and is available for public use. She suggested that this background information on why we need a program could be very useful for anyone concerned with coastal issues. Nancy Schreiber, on behalf of the CAC, entered into the record:

- p.3 CAC consensus that entire section structure jibe with the goals, so that it would be easy to compare issues and goals;
- p.3 CAC consensus, that in the economic development section, a statement be included relative to Lake Michigan economic development - recognizing regional balance of concerns;
- p.5 CAC consensus that water quality section include a statement on ground water and water supply;
- p.6 power generating facilities corrections - two plants and three nuclear units;
- p.8 second paragraph - emphasize, use often, and write in bold print. George Berteau added that this same statement should be included in the preparatory language Steve Born will write concerning the proposed program.

D. Goals (Document #1 pages 11-21)

Caryl Terrell suggested that the Council consider her memo of February 23, 1977, "Goals and Policies - A Proposal Alternative" (Document #3) in place of the original Draft Proposal (Document #1). The Alternative uses the broad goal, adopted at the January Council Meeting, as the overall Program goal. She stated that the five policies stated in the Memo are based on previous discussions concerning the Council and explained how they will be used to implement this overall goal. She stated that the section on existing state policies and programs is parallel to the Proposal with the addition of specific statements of the emphasis that the Coastal Program would take related to that goal.

-Nancy Schreiber stated that this alternative discussion of goals was preferred over the goal section contained in the Preliminary Draft Proposal.

It was moved by Ted Seaver and seconded by Ted Lauf to use "A Proposed Alternative - Goals and Policies" (Document #3) for discussion (replacing pages 12-19, Document #1). Motion carried.

-Nancy Schreiber noted the following CAC concerns (Document #3, p. 2-3):

-CAC consensus on Coastal Managment Goal - need to recognize people as humans within the goal - humans in harmony with natural environment.

-CAC consensus on policies section - restate Council/Program functions and Goals 1-5. These are functions of Council - implementation tools of Council

- p.3 - item 2 improve coordination, identify overlapping functions and duplications which may exist in agencies.
- p.3 - item 3 insert citizen involvement in policy making and decision making.
- p.2 - item 4 - second sentence insert federal.
- p.2 - item 5 - capabilities to initiate.

-Nancy Schreiber reiterated that the CAC consensus was for the need of illustrative statements or example as to what the goals and issues mean. Lew Dixon emphasized the need to use Council rather than Program when discussing issues and goals. Florence Dickinson noted her concern for early public involvement. Considerable discussion followed concerning program terminology. Florence Dickinson suggested the word "program" be eliminated from the text since it is confusing. Nancy Schreiber noted that the CAC felt an overall statement of the Coastal Management Program should be added to the glossary. Dave Owens explained the overall organization of the section: the overall goals; the five things that were called policies in the Memo of what the program is going to do-i.e., improving implementation, etc., are objectives; activities are discussed in terms of the substantive existing programs. Discussion continued concerning the ranking or order of the program objectives.

-The Council agreed to rearrange the objectives and language in the following order, but without the use of a number and with a semicolon at the end of each listing: (Document #3, p2)

- to provide a strong voice.....in federal, state.....
- to increase public awareness and opportunity for citizens to participate.....
- to improve the coordination.....
- To improve implementation.....
- To strengthen local.....to initate and continue.....

-Steve Born asked the Council to discuss the CAC suggestion for change in the language of the Coastal Management Goal. George James suggested adding an equal opportunity clause. Council agreed to make no change.

-Additional discussion concerning the objectives resulted in the following language changes: (Document #3, p. 3):

- Improve implementation...evaluate effectiveness of existing implementation....authorities, 4. evaluate effectiveness of existing implementation processes and recommend additional legislation if necessary. Council agreed.
- Improve coordination - CAC consensus, need to identify overlapping functions and duplications within agencies, etc. Council agreed.

- Improve public awareness and participation - insert statement - concerning early citizen involvement in the policy making and decision making processes. Council agreed.
- Coastal advocacy -water resources....in resolving the need for human activity to be in harmony with the natural environment. Council agreed.
- Coastal advocacy attention of legislating bodies and managing Upon voice vote, it was agreed to incorporate this language.

II. AFTERNOON SESSION - February 24, 1977 1:10p.m.

D. Goals/A Proposed Alternative (Document #3)

- George Berteau emphatically disagreed with the statement - A long range goal is the polluting discharges (Document #3, p. 4). He stated that he felt this is an unrealistic goal. Ted Lauf noted that this is already a state goal and he read the correct words from the statute. (16.54)

It was moved by Ella Opitz and seconded by Ted Seaver that the above statement be changed to read, A long range goal is the elimination of the discharge of pollutants to water. Motion carried.

- Considerable discussion followed concerning the activities section:

- Nancy Schreiber, CAC consensus, insert (Document #3, p.4 b)water quality and supply. Council agreed.
- Ted Seaver requested that under Coastal Water Resources (p.4) and Coastal Air Resources (p.5) the following activity be added: to perform advocacy functions in monitoring and reviewing changes and additions in (water) (air) quality programs and regulations that impact on coastal resources. Council agreed.
- Nancy Schreiber, CAC consensus, insert (p.5, #3)natural, cultural, agricultural and

It was moved by Art Kurtz and seconded by Nancy Schreiber to include the word agricultural. Motion defeated.

- Nancy Schreiber, CAC consensus, insert (p.5, #3d) hydrology, topography. Council agreed.
- Nancy Schreiber voiced CAC concern that man induced hazards on Coastal Hazards Areas (p.6, #4) be added. Council felt no change was in order.
- Nancy Schreiber asked that it be entered into the record that the CAC was not able to resolve conflicts concerning p.6, #5).

Suggested insertions to p.6, section 5 included:

-economic, recreational, ecological...
 - p.6, section 5d, encourage consideration of the special....
 - p.6, section 5e, ...development adjacent to public....
- Council agreed to all of the above.

Nancy Schreiber stated the CAC was not able to resolve conflicts on p. 7, section 6. George Berteau questioned the use of the word desirable.

It was moved by Harvey Grasse and seconded by George Berteau that the Economic Development goal should read (p.7, sec. 6): To permit desirable economic development which broadens the economy of the coastal area within the constraints of the preliminary goal of CMP. Vote was seven "yes" and seven "no". Council decided to leave as it stands.

It was moved by Ted Seaver and seconded by John Kerski to insert (p.7, section 6) commercial for anadromous. Motion carried.

It was moved by George Berteau and seconded by John Kerski to eliminate (p.7, section 6a) ... and the consideration of industrial sites in coastal plans. Motion carried.

- Nancy Schreiber stated that after in depth discussion the CAC is asking for clarification on the power plant siting process.

It was moved by George Berteau and seconded by Steve Born (removed self from chair) to add (p. 7, sec. 7) d. designate as geographic areas of management concern those coastal utility sites approved by the power plant siting process of the Public Service Commission. Motion carried.

- Nancy Schreiber, CAC consensus, to insert 'to the Public Involvement Goal (p.8-sec. 8):

- opportunities for early and continuous involvement.... Council agreed.
- p.8-sec. 8b - reorder issue study; problem identification; proposal development; decision making. Council agreed.
- p.8-sec. 8c- recognize proposed citizen committee in the organization structure and the regional task force features of the program. Council did not feel this rewording was necessary.
- p.8-sec. 8c, Seaver proposed this section should read: to provide appropriate forums for citizen involvement and education on projects and programs of significant or controversial impact on coastal resources subjected to public scrutiny and discussion and make recommendations concerning such programs and projects to appropriate governmental agencies. Council agreed.

- Nancy Schreiber, CAC consensus, that a d section be added with a role statement which recognizes CAC regional citizen task force. Council agreed.

George Berteau requested that "participants" be defined in glossary. Al Miller noted this is already contained in the glossary. George Berteau then suggested that an asterisk be placed after "program participants" with a note to see p.101 in the glossary. Council agreed.

-Nancy Schreiber, CAC consensus, to add under Government Interrelationship (p. 9) section e - work toward eliminating duplication and over-lapping agencies. Council agreed instead to modify b. ... effective, including stream-lining and eliminating duplication.

It was moved by Ted Seaver and seconded by Mayor Monfils for the preliminary adoption of the Modified Goals and Objective section. Motion carried.

Dave Owens returned to discussion of staff recommendation of Goals and Issues section format:
Coastal Management Issues

Discuss Coastal Management goals with overall goal and five objectives program would be doing through Council to address those overall goals (pages 2-3)

Pages 4-9-use same organization, using same broad categories and discuss existing state policies state has relative to these issues, and graphically set, discuss what the Coastal Management Program activities are relative to those issues

Explain what issue is

What are existing programs

What CMP is going to do relative to that issue. Council agreed to format.

E. Boundaries/overview - (Document #4)

Dave Owens explained Geographic Areas of Program Concern. GAPC implies certain areas that are very important and need special management attention. He further noted that a mechanism to provide this attention is to have the CMP, acting through the Council, specifically designate those areas as areas of particular concern. This would mean specifically defining an area, area management policies, and then providing assistance to those managing the areas. He emphasized this does not mean the area will be taken over by the Council. It means that management attention should be focused on the proper management of that area. He listed three types of managed areas: 1) state owned, e.g., DNR-state park; 2) local-state, e.g., shoreland zoning area-must meet state

standards, but is managed by the county; 3) locally initiated, e.g., a local government concerned about management of a local area would come to CMP Council and a) propose area, b) propose management policy. Council would then look at the management policy and see if it is consistent with the types of concerns it has identified as being eligible. If the area is eligible a public review process will be started. If the Council feels the area has an adequate management policy and there is ability to carry out the proposed management policy, it will designate the area a GAPC and make program funds available.

III. EVENING SESSION - February 24, 1977, 7:

E. Managed Uses/Direct and Significant Impact (Document #1, pages 50-54)

Dave Owens noted a number of managed uses listed in Document #1, Pages 51-52. He pointed out that those listed are already controlled by existing agencies, but the Coastal Management Program is interested in seeing these areas properly managed. He further went on to explain the techniques used to manage these areas, (Document #5, Appendix H).

-Lew Dixon questioned p. 51, #3. He asked that the following be added: ...by the enactment of legislation. Council agreed.

It was moved by Ted Seaver and seconded by Ted Lauf to adopt the Uses section, (Document #1, pages 50-54). Motion carried.

F. Areas, (Document #1, pages 33-50, Document #4)

Al Miller explained the new boundary concept and the three categories of GAPC's (Document #1, p33). He noted that this concept would remove the need for a continuous boundary along the shoreline. Instead, the designated area must be within six miles of the shoreline and have a direct relationship on the Great Lakes.

-Lew Dixon asked that power plant sites be added as fourth GAPC category. The Council agreed to this addition of power plant sites approved by the Public Service Commission.

-John Post asked that local areas be informed of the process for identifying GAPC's as soon as state agencies are informed, in order that local governments have an opportunity to apply for initial funds. He stated that the Proposed Program appears to be a state program with state managed areas. George Berteau added that if the state nominated GAPC's remained in the Proposal, they would be eligible for funding for an entire year before local communities become eligible. Florence Dickinson pointed out that program monies should be used to help local communities obtain monies to manage local areas. She did not feel it would do the local communities any good to be given operating funds. Steve Born asked if this was also true for state agencies. Mayor Monfils, John Post, and Eileen Mershart felt differently.

It was moved by George Berteau and seconded by Dale Preston that local units of government should have the option of designating GAPC's and should not be under any constraints to turn in a request for a GAPC if the benefits are short term and for operating expenses. Motion carried.

-John Post asked that local governments have a voice in prioritizing local GAPC's. Dorothy Sanders emphasized that a great deal of time and effort was spent on priorities, and based on the questionnaire, the people identified the priorities.

-George Berteau requested that the following statement should be added (Document #1, p 36, sec. f):

.....impact statement as well as any recommendation to delete or remove a GAPC. Council agreed.

G. Alternative GAPC Approach - (Document #4)

Al Miller noted that with the addition of Document #4, Document #1, p.54 is no longer in effect. He further noted that in submitting the Proposal, it was and is easier to seek areas of interest from other state agencies since local governments are still uncertain of the programs. He emphasized that nothing will happen within or outside of a county boundary, but the GAPC must be within the county.

-Art Kurtz stated he felt it was logical to have Regional Planning Commissions seek locally initiated GAPC's. Nancy Schreiber stated that the CAC felt it was logical to go with the DNR inventory when submitting the Proposal. Considerable discussion continued concerning GAPC designation. It was agreed to contact OCZM for clarification.

It was moved by George Berteau and seconded by Robert Rogotzkie to adjourn until February 25, 1977, 8:30 a.m.

IV. MORNING SESSION - February 25, 1977, 8:45 a.m.

G. Alternative GAPC Process

Al Miller continued the discussion concerning the GAPC Alternative Approach. If the proposed GAPC's by proposed types and proposed processes are adopted for public review, they would then go through the public hearing process. After receiving public input on the types and process and assuming the Council went along with the Proposal, the Council could adopt as part of the Program the types of GAPC's and process, but not specific areas. The Proposal would be submitted as a 305 1/2 rather than a 306. At this point, the Council would initiate the process, seeking nominations from local communities, state agencies and local units of government. After a three month period of review, the Council designates GAPC's which completes the requirement of the Act for 306 funding. Steve Born noted he felt it was detrimental

to the Program to have it set back in this way. He felt the Council should designate two GAPC's in order to get it moving. George Berteau commented that he felt the best route to take was the Committee process route. He felt this would be more suitable to local communities. John Post said he would prefer this position if he was assured that work would not stop after the inventory. Dale Preston said he felt comfortable with the state identified areas, but areas the state might like to add would fall into the same category of what local governments might want to add. Bob Rogotzkie stated that designation of a few GAPC's would be detrimental, since it would appear that this is not the way it is going to be, but the way it is. After considerable discussion, the following GAPC options were presented: 1) state owned; 2) state owned-two water and one land; 3) state and local-as examples; 4) none; 5) state and local equity-only show process.

It was moved by George Berteau and seconded by Nancy Schreiber to proceed with two or three examples of state owned land and water GAPC's with a committee process taking place at a later date in the designation. Motion carried.

H. Organization (Document #1, pages 70-75)

Dave Owens reviewed and summarized the organization structure. He noted the roles of the differing bodies, (Document #1, page 63). He emphasized that the important question is who is going to make program decisions. He said the sub-committee looked at three options: 1) single state agency; 2) agency with an advisory committee; 3) create a Council with a staff. The criteria used to select an option is included on pages 69-79. The subcommittee decided to go with option #3. He further noted that this option entails an important role for the Regional Planning Commissions and Regional Task Forces.

-Nancy Schreiber, CAC consensus, noted that if a Council is needed it should go to broad public review.

It was moved by Nancy Schreiber and seconded by Marie Sladky that the Coastal Management Council, option #3 with the functions proposed in Document #1, pages 70-71 should be taken for broad public review. Motion carried.

It was moved by Nancy Schreiber and seconded by Marie Sladky that the Proposed Wisconsin Coastal Management Council as described in Document #1, page 70, item #3 - p.75, section e (including p-73, item IV Tribal observers changed to Tribal governments and designate observers to changed to participate in)... be adopted and taken for broad public review.

Representative Metz commented that the state cannot give money to tribal governments. She further stated there is a "bill" going to legislative hearings dealing with this question. Henry Buffalo read a Memorandum (attached) to the Council from Richard Gurnoe, Tribal Chairman, Red Cliff Band of Lake Superior Chippewa concerning participation in the Proposed Coastal Management Program. Henry Buffalo asked the Council to support the five points included in the Memorandum. Al Miller explained that the Act explicitly states it is an Act to assist states. It does not apply to tribal governments or other federal agencies. He also noted that OCZM is considering an amendment to the Act to change this restriction. He said that the Council could provide funds to a Regional Planning Commission to provide services to a tribal government. Ted Lauf stated he felt the Council should support the five points in the Memorandum. Council agreed to add this matter to the late morning agenda.

George Berteau asked that the Council be composed of 35 members but state agency representatives and University representatives would not have a vote. Nancy Schreiber and Ted Lauf were opposed.

It was moved by George Berteau and seconded by Ella Opitz to make a secondary motion to the main motion and move this question to a five member committee.. Motion defeated.

-John Kerski discussed the need for a legislator from the north-west areas of the state. Representative Metz suggested that the legislator be a Senator of no geographic limitation. Representative Dandeneau stated that since the leadership will make the choice an inland Senator may be more effective.

It was moved by Representative Metz and seconded by Bob Ragotzkie to amend the motion on the table to increase Assembly membership on the Proposed Council to two and to eliminate the coastal district requirement for Senate and Assembly Members. Motion carried.

-Nancy Schreiber said the CAC noted a need for four legislative representatives, both houses.

Motion on table called. Motion carried. Voting no, George Berteau and Ella Opitz.

I. Public Participation (Document #1, pages 75-78)

-Nancy Schreiber, CAC consensus, to recommend that Public Participation, (Document #1, p. 75, section e- p. 78, item 2,) go to broad public review, including the January 5, comments. She noted the CAC recommended the following changes for clarification:

- p.76, add select likely candidates - Documentation of selection process - Offer co-chairman and public notification.
- p. 77-78 - invert pages.

- new p. 78 - Public Education 2. Initiate and co-sponsor...
- new p. 77 - Interest area balance, but not limited to
- new p. 78 - second paragraph, As a result, CAC will annually initiate a re-evaluation of its role and functions and a need for its continued existence.

It was moved by Nancy Schreiber and seconded by Marie Sladky to recommend that Public Participation, (Document #1, p. 75, section e - p. 78, item 2) should go to broad public review with above revisions. Motion carried.

-Considerable discussion was expressed about the Proposed Program accountability. Steve Born noted there would be a section concerning program accountability.

J. Federal Activities/Red Cliff Resolution

Steve Born asked the Council to respond to the Red Cliff Resolution, based on actions taken by the Council.

- #1 reply by letter - indicate Council has taken action for full tribal government membership.
- #2 indicate legal restraints but also indicate where there is potential for sharing expertise.
- #3 if necessary we will request opinion from Attorney General for action.
- #4 if Council supports, we will take to OCZM.

It was moved by Ted Seaver and seconded by Bob Ragotzkie that the Council express its support of an amendment to the Act which would expressly provide for direct funding to tribal governments. Motion carried. George Berteau voting no.

-Lew Dixon asked if the amendment was added, what the Proposed Council's relationship would be to the Tribal Government Program. Al Miller stated it would be independent, not tied to the Proposed CMP.

It was moved by Ted Seaver and seconded by Representative Metz that the Council respond to the Red Cliff Resolution and indicate the legal situation and the Council's action, and in addition express our appreciation for this being brought to our attention. Motion carried. Steve Born indicated that Harvey Grasse and he would respond to the Resolution.

It was moved by Ted Seaver and seconded by Representative Dandeneau to send a letter to OCZM with appropriate carbons and also request Governor Lucey to send such a letter to OCZM, the Wisconsin Congressional Delegation, and the Department of Commerce, concerning #4 of the Resolution. Motion carried.

-George Berteau felt the Council should only advise OCZM and Governor Lucey. Representative Metz asked that the Resolution to the state legislature be tabled until next Council Meeting, since draft legislation has not yet gone to public hearing. Council agreed to Representative Metz's request.

V. AFTERNOON SESSION, February 25, 1977, 1:30 p.m.

Steve Born read Council Resolution on Indian Reservations and Coastal Management. Council accepted the Resolution as stated. (Attached)

K. Creation of a Coastal Management Council, (Document #6.)

Steve Born noted the two basic options for creation of the Proposed Council-executive order or legislation. He added that it is assumed that with either option, interagency agreements would be used to detail specific agency relationships. He further explained the executive order route: 1) formation of Council by executive order; 2) sharing of inter-agency agreements. It could go one step farther and have in the annual review budget, a brief section on a Coastal Management Board. This would be a kind of legislation, limited version. The other kind of legislation would be a substantial piece of legislation creating a Coastal Management Board. Dave Owens added that the main difference between these two options is that the legislative route is more explicit in Council Membership and functions. Policy wise there is little difference. The additional question which will need to be addressed is the question of agencies compliance and how to make them comply. Steve Born asked for suggestions concerning these options and the public hearings. He stated that he felt laying out options to the public would be confusing.

-Nancy Schreiber noted that in CAC there was support for both executive order and a combination of legislative and executive order. CAC is concerned that the public will want to know the creation rule, implication of the rule, and what happens after five years. Steve Born noted that an executive order is a start up point and in effect for duration of the Governor. An inter-agency agreement is for specified time, and regulation is permanent until modified.

-George Berteau suggested we present both options for public hearing and broad public review and he stressed the importance of not going to the public with a recommendation for either. Representative Dandeneau favored the executive order with an indication that there might be further legislation with limited scope.

It was moved by Representative Metz and seconded by Representative Dandeneau that for the purpose of public review the Wisconsin Coastal Management Council be created by executive order, incorporating public opinion via hearings and recommendations of the Advisory Council with formal legislative action possible at a later date, and that preparatory language be included in the Proposal which explains that the Advisory Council chose the executive order route due to time constraints, possibility of losing money, and that we are not foreclosing the possibility of legislation at a later date. Motion carried.

-Representative Metz added that the Proposal should not contain an example of an executive order. John Kerski noted that he could perceive no danger in an executive order that can be over-ruled by later legislative action. Rep. Metz also noted that this provides the public with two avenues of comment, via public hearings and later at legislative public hearings. Lew Dixon stated that on the local government level if legislation language is not limited to establishment of the body or the Council, the Proposed Program will be opposed on the mention of that one word.

-John Post read a resolution (attached) from the North West Regional Planning Commission. The Council responded to the ten points detailed in the resolution:

- 1 - already discussed.
- 2 - regional consideration,--recognize there are still Council priorities.
- 3 - not eligible under the Act.
- 4 - responded already.
- 5 - Council has priorities and options but use local advice as guide.
- 6 - no formulas for funds.
- 7 - already built into structure.
- 8 - No.
- 9 - can be sequenced every year.
- 10 - already covered in discussion.

L. Federal Consistency (Document #1 pages 95-98)

Al Miller explained that the purpose of this section is to promote to the greatest possible degree the coordination between federal and state activities. Federal activities can take three forms: direct development; assistance to state and local governments and issuance of licenses and permits. He noted that to ensure coordination, the activities would utilize the state clearinghouse. Coordination of these activities would be based on: how beneficial the activity is in aiding state achievement of goals; how consistent activity is to state or local plans; and whether the activity allows an opportunity for full public participation.

-George Berteau requested that regional be added to Document #1, p. 96, 2 adopted state, regional or local plan. Council agreed.

-Bob Rogotzkie asked how the Coast Guard consistency plans for oil spills, and management of water fowl are affected by federal consistency. Al noted that staff will look into this.

It was moved by Ted Seaver and seconded by Ted Lauf that Federal Consistency (Document #1, pages 95-98) be taken for broad public review. Motion carried.

M. General Proposal Review

It was moved by Ted Seaver and seconded by Representative Metz to adopt the Preliminary Draft Proposal for a Coastal Management Program for public review. Motion carried.

-Steve Born added that the following will review the end document mid-March: Nancy Schreiber, Lew Dixon, Cora Stencil, Lyell Cowley, Representative Metz, George Berteau, Ted Lauf, John Kerski and Dale Preston.

N. Correspondence

Al Miller read a letter from the Kenosha County Park Commission questioning the availability of funds for the purchase of Kemper Hall.

Al Miller stated (in response to a letter from the Bayfield County Forestry Committee via Ed Khulmey) that the Coastal Management Program is not looking at Bark Bay as an estuarine sanctuary.

O. Adjournment

It was moved by George Berteau and seconded by Representative Metz that Coastal Coordinating and Advisory Council and Citizen Advisory Committee adjourn until June 23-24, 1977. Meeting adjourned February 25, 1977 at 3:26 p.m.

Attachment #1

Memorandum

To: Wisconsin Coordinating and Advisory Council
Coastal Zone Program

From: Richard Gurnoe
Tribal Chairman, Red Cliff Band of Lake Superior Chippewa
Member, Northwest Wisconsin Regional Planning Commission
Henry Buffalo
Member, Red Cliff Tribal Council
Alternate Member, Northwest Wisconsin Regional Planning
Commission.

Re: Coastal Indian Reservations and the Draft Proposal

The Council has solicited comments on the draft coastal management proposal. We think this is an appropriate moment to bring to the attention of the Council 1) that the Red Cliff and Bad River Bands are significantly concerned in the protection and management of the Lake Superior shoreline and its resources, and 2) that there is an absence of any recognition of tribal interests in the draft proposal, or of the need for coordination between state and Tribes.

As we read the draft proposal, it presents a self-satisfied portrait of present management arrangements for the Lake Superior shoreline. There is no hint in the proposal that from 25 to 30% of the Lake Superior coastline is within the borders of the Red Cliff and Bad River reservations, nor that these Bands have treaty-protected interests in the waters of Lake Superior itself. Nor is there any hint that these tribal interests require recognition if the policy of the Coastal Zone Management Act, "to encourage... establishment of interstate and regional agreements, cooperative procedures, and joint action" is to be furthered by this program. We submit that any adequate program proposal should at least

Indian Reservations and Coastal Zone Proposal - 2

recognize the existence of the tribal interests in the coastal waters and shorelands, and register the Council's commitment, if any, to aid the Tribes' regulatory programs so that the Tribes can contribute, as effective partners, to a cooperative management policy.

For two years past, the Red Cliff Band has been in contact with state officials, seeking state assistance under the Coastal Zone Act to improve the Tribes' regulatory capability, both through training programs and through data-gathering and environmental inventory programs. These officials have taken the position that the state is barred from rendering such assistance, citing a federal Justice Department opinion interpreting the meaning of the term "coastal zone" as set forth in section 304 (1) of the Coastal Zone Management Act. This opinion deals solely with the question of what federal lands are intended to be excluded from the zone, and reaches the conclusion that the exclusionary phrase should be broadly construed to cover all federal lands, including Indian reservations, in order to avoid any implication that the Act empowers the states to regulate land use on Indian reservations or federal lands. While we welcome the desire of the federal and state officials not to allow the intrusion of state authority over land use on Indian reservations, we find nothing in this opinion, or in the legislative history cited by the federal attorney, to imply that the Act was intended to bar states from applying funds to Indian Tribes where to do so would lead to a coordinated and

Indian Reservations and Coastal Zone Proposal - 3

effective regulatory scheme for the shorelands of the state.

Despite the fact that the State apparently places such weight on the Justice Department opinion, we note that the draft proposal lists a number of locales on the Red Cliff reservation as "Geographic Areas of Particular Concern" (PD at 40-41). But even if the Red Cliff and Bad River reservations are excluded from the coastal zone, it should be borne in mind that these Tribes have a treaty-protected interest in the waters of Lake Superior that clearly lie within the coastal zone. State v Gurnoe, 53 Wis. 2d 390 (1972). Treaty-protected fishing rights in off-reservation waters constitute a territorial interest of an Indian Tribe, and the Tribe possesses the power to regulate such fishing. Settler v Lameer, 507 F. 2d 231 (9th Cir. 1974). Aiding the Red Cliff and Bad River Bands to develop their powers of self-regulation would clearly enhance the protection and effective management of the fishery resource within the "coastal zone" as narrowly interpreted by state officials.

For decades, the State of Wisconsin interpreted federal law as giving the State the right to regulate and tax Indian reservations. See 58 OAG 91 (1969). During that time, we are unaware of any State assistance to aid the Tribes to maintain their own regulatory capacities. Now that the State has come, with the aid of the United States Supreme Court, to recognize that it lacks such authority, see OAG, Oct. 18, 1976, we had hoped that this new respect for the autonomy of Indian Tribes would be greeted

Indian Reservations and Coastal Zone Proposal - 4

with a spirit of cooperation, and a policy of assistance to the Tribes to rebuild the regulatory powers which had declined under the illegally asserted sway of State power. Instead, it appears that the recognition of tribal autonomy under the Bryan and Kings County decisions is now to be used as an excuse for the State to turn away and ignore the existence of the reservations and the need for coordination between effective State and tribal regulatory authorities. We hope this is not the case, and that the draft proposal will be suitably changed to reflect a realistic and cooperative State attitude.

We think that the development of what purports to be a coherent coastal zone management program should be the occasion for recognizing the interests of the Red Cliff and Bad River Bands in the effective regulation and management of the coastal waters and lands of Lake Superior, and the mutual benefits to be derived by State and Tribe from the development of the Tribes' capacities to regulate and manage their resources. To this end we ask:

1. That the final management proposal reflect an express Council commitment toward assisting the development of tribal regulatory capacity and toward coordinating State and tribal regulatory concerns.
2. That the description of eligible recipients be rewritten to include Indian Tribes and/or some form of special regional commission set up to foster and coordinate State and tribal regulatory efforts.

3. That in construing the Coastal Zone Act, the question of eligibility to receive funds should be divorced from the question of the scope of State regulatory authority. That where there is a question of the eligibility of Indian tribal recipients, such questions should be submitted for an opinion from the State Attorney General.

4. That the Council declare its support for an amendment to the Act which would expressly provide for direct grants to Indian Tribes with coastal interests.

5. That the provision for tribal representatives on the permanent Council be changed to accord such representatives the same powers and responsibilities as other members of the Council.

Wisconsin Coordinating and Advisory Council
Wisconsin Coastal Management Program
February 25, 1977

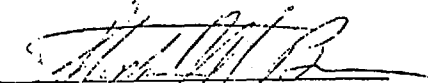
BE IT RESOLVED, by the Wisconsin Coordinating and Advisory Council:

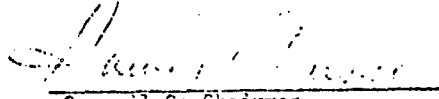
1. That the Wisconsin Coastal Coordinating and Advisory Council declares its support for amendment to the federal Coastal Zone Management Act (P.L. 92-583) that would expressly provide for direct coastal management grants to Indian tribes with coastal interests;

2. That the Wisconsin Coastal Coordinating and Advisory Council expresses its appreciation to the Red Cliff Tribal Council for bringing this matter to the Advisory Council's attention, and for the Tribal Council's assistance in resolving this issue;

3. That this resolution be communicated to the Office of Coastal Zone Management, Department of Commerce, the Wisconsin Congressional delegation; and the affected Wisconsin Indian Tribes;

4. That this resolution be communicated to the Governor, and he be requested to present these concerns to appropriate federal officials and the Wisconsin Congressional delegation.


Council Co-Chairman
Stephen M. Born


Council Co-Chairman
Harvey Grasse

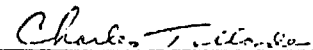
NORTHWEST REGIONAL PLANNING COMMISSION (NWRPC)
POSITION ON COASTAL PLANNING AND MANAGEMENT AREAS

- WHEREAS: The NWRPC has been participating in the development of a Coastal Management Program (CMP) for Wisconsin for the past two years, and;
- WHEREAS: The NWRPC understands that while a specific project boundary line does not have to be drawn, the CMP has identified the planning area as the 15 coastal counties (four in Northwest Wisconsin) and the management area as the relevant project areas within the first tier of towns or cities, or six miles from the coast which is ever greater (with minor exceptions possible), and;
- WHEREAS: The CMP is proposing as part of the overall program, the availability of financial and technical assistance to localities to help local units of government deal with local issues of statewide concern, and;
- WHEREAS: The Commission realizes that a geographic area within which these assistance funds can be applied will be identified by the State, and;
- WHEREAS: The Commission wishes to invite the participation of each unit of government abutting Lake Superior in deciding what financial and technical assistance funds are necessary and where they should be applied, and;
- WHEREAS: The Commission, acting in an advisory capacity to local government, wishes to recommend problem areas and other areas of concern documented by the Commission to be included within the planning and management areas prior to submission of the State's CMP proposal to the federal government.

THEREFORE BE IT RESOLVED THAT:

- A. The Commission recommends the following guidelines for program administration within the planning and management areas:
1. That a list of local areas and projects be developed and be included in the State's application for CMP designation.
 2. That local units of government be given the flexibility to determine which projects are significant.
 3. That comprehensive community planning for Coastal units of government be an eligible project expense.
 4. That no less than 50 percent of all program funds in the CMP go annually to local units of government and the RPC's.
 5. That local units of government, individually and in cooperation with their neighbors, have the opportunity to prioritize their projects.

6. That an annual financial and technical assistance planning allocation (dollar amount) by formula be given to the Lake Superior and Lake Michigan coastal areas for planning purposes.
 7. That proposed and ongoing State activities under the CMP shall be reported on a regular basis back to the affected local units and the affected RPC.
 8. That a local government's choice not to participate in the CMP will not jeopardize the unit's eligibility for other federal and state funds.
 9. That although a local unit of government may not choose to participate in the program at the initiation of the implementation phase, it may choose to do so at a later date.
 10. That Indian reservation project areas and projects where eligible under the CMP should be considered in the initial application.
- B. That the Commission work with local units of government prior to the public hearings to identify areas and projects of local concern.


Charles Tollander, Chairman
Northwest Regional Planning Commission

Date February 22, 1977

MINUTES
JOINT COASTAL COORDINATING AND ADVISORY COUNCIL
CITIZENS ADVISORY COMMITTEE MEETING
Thursday, Friday, June 23-24, 1977
Governor's Conference Room, State Capitol
Madison, Wisconsin

Council Members Present: Marvin Beatty*, Steve Born, Diane Brinson (representing Mittness), Henry Buffalo (for Gurnoe), Marcel Dandeneau**, Jeanne DeRose, Bob Dusenbery, Arne Gausmann, Harvey Grasse, Marvin Innes (for Tollander), George James*, Tom Kruchten (representing Kurtz), Ted Lauf, Thomas Leisle (for Opitz), Sharon Metz, Dale Preston (for Monfils), Bob Ragotzkie, Don Reed (representing Berteau), Joanna Rody (for Sanasarian), Harout Sanasarian**, Dorothy Sanders**, Nancy Z. Schreiber, Ted Seaver**, Marie Sladky (for Hagen), John Wroblewski.

Council Members Absent: George Berteau, Rufus Entringer, Arthur Kurtz, Lewis Mittness.

Citizens Committee Members Present: Rocky Barker, L. M. Cowley, Florence Dickinson*, Lewis Dixon (for Boucher), Patrick Doyle*, Eileen Mershart*, Charles A. Rice, Cora Stencil.

CMP Staff Present: Nancy Begalke**, Rich Cohen, Carol Cutshall, Mark Greenwood, Bruce Loppnow, Al Miller, Dave Owens, Victor Pol, John Post, Jim Purinton, Michele Rothenberg*, Caryl Terrell, Phil Winkel*.

Others Present: Quincy Dadisman**, Dick Ehlenfeldt**, Richard Kienitz, Ted Knutson*, Dorothy Lagerroos*, Anne Neer*.

* Present Thursday Only

** Present Friday Only

I. THURSDAY MORNING SESSION - 9:55 a.m.

Steve Born welcomed Council and Committee members and asked them to introduce themselves. Special mention was given to the presence of Anne Neer, League of Women Voters Education Fund, who has received an OCZM grant, and Ted Knutson, staff to Senator Lasee. Representatives Dandeneau and Metz will attend the meeting as legislative duties permit. Due to the importance of the meeting, Al Miller reviewed the voting membership.

A. Approval of February 24-25 Minutes:

Nancy Schreiber noted that Cora Stencil should be added to the list of Citizens Advisory Committee members present both days. Bob Ragotzkie moved and Nancy Schreiber seconded a motion to accept the minutes as corrected.

Steve Born outlined the tasks before the Council in the next two days, including a meeting with the Governor.

B. Analysis of Comment on the Proposal

Caryl Terrell said "Excerpts from Report 3" (sent in mail package) should be thrown out; it was replaced by "Report 3."

1. Report 1, Public Hearing Summaries; Report 2, Public Hearing Analysis

Terrell reviewed responses at Public Hearings. Using a large map of Wisconsin, she graphically showed support and opposition to the proposal.

2. Report 3, Questionnaire and Other Mail-In Comments on the Proposal

Over 7,000 Citizens Guides were distributed by mail through regional planning commissions, DOT, DNR, UW-Extension and at the Public Hearings. There were 157 total respondents--99 yes, 43 no, 15 no opinion; 117 requested further information.

Al Miller interjected that June Spencer is evaluating public participation in the program. A telephone survey of local officials showed 54% were aware of the program, 53% had participated in some program activity and 90% had seen information on the program.

Chapter 2, Report 3, shows letters from Federal Agencies. Steve Born said the proposal was written for the people of Wisconsin and does not deal with federal technical requirements on a point by point basis. It will be reshaped for submission to the federal Office of Coastal Zone Management (OCZM).

Chapter 3, Other Mailed in Comments, detailed pro and con arguments for each section of the proposal as found in letters from individuals, interest groups, local officials and state agencies.

C. Agenda

Steve Born suggested using the key issues raised in comment to shape the day's agenda. In comments about the Public Hearings he offered three reasons why, in spite of good publicity, attendance was poor: meetings had been held in the same area before, the weather was too good, people were not energized by any immediate issue. Shirley Crinion moderated 9 of 11 public hearings, Jeanne De Rose chaired the other two. Jim Purinton attended every hearing.

Nancy Schreiber, seconded by Bob Ragotzkie, moved to send a letter of thanks to Shirley Crinion. Motion carried.

Nancy Schreiber submitted, for the Citizens Advisory Committee, a list of areas of significant criticism and significant support (Attachment 1).

1. Organization

John Kerski stated that Bay Lake Regional Planning Commission accepted the program as it is, but a majority felt the Coastal Coordinating and Advisory Council (the Council) should reconsider state agency membership on the future Coastal Management Council. If agencies do have a vote, perhaps a few more members could be added.

Arne Gausmann pointed out the idea of the Council looking to the future and using new tools caused fear (Program Proposal, pp. 16, 59-61, 70).

Joanna Rody said she couldn't imagine closing off the possibility of future legislation.

Nancy Schreiber pointed out this fit with the Bay Lake RPC Citizens Advisory Task Force comments (Report 3, p. 39, paragraph 4).

2. No Need for Special Attention for Great Lakes

Steve Born raised the issue brought up at the Madison public hearing--that the Great Lakes do not warrant special attention and should continue to be treated just as all other lakes. The Council discussed this, pointing out a lack of crisis on the Great Lakes. John Kerski pointed out the enormous potential of the Great Lakes as a source of potable water.

Bob Ragotzkie summarized his view of the need for the program by saying that this Council is pioneering; this act is pioneering; this program is pioneering. For once we are ahead of most of the people and ahead of crises. He respects the comments, but the program offers an opportunity to do something good in an orderly way.

3. Language

Nancy Schreiber pointed out that we need to clarify language so people know what they are getting.

4. Clout

George James detailed two arguments against the program 1) it doesn't have enough clout 2) Ozaukee County's view that the authorities and bureaucracy we have now are enough.

Dave Owens handed out the staff response to a letter from the Lake Michigan Federation which said the program was too weak (Report 1, pp. 30-37). He said the proposed program is approvable, but the Lake Michigan Federation may not think it goes far enough. OCZM is concerned that state authorities are tied into the program. This could be done through interagency agreement. The clout is in using existing state policies. Steve Born added that the Council would be another voice to advocate coastal concerns and might well have hidden leverage of the type Mayor Monfils described at previous meetings.

George James then asked what would happen if a county didn't enforce shoreland zoning. Steve Born tracked through the process, and James said the example seems to show Ozaukee County is right. He asked what would be different from what is going on now. Al Miller pointed out that the program would increase coastal priorities.

Don Reed said Ozaukee County felt coastal planning was being done by Southeastern Wisconsin Regional Planning Commission (SEWRPC).

Steve Born said this is a management program and SEWRPC is not a management agency; the program would offer optional additional technical and financial assistance to communities.

Nancy Schreiber said the Citizens Advisory Committee recognizes that the Council's organization, and the total program, exercise persuasive powers not coercive powers. It is an advisory body, not a regulatory body.

James continued, saying the new Council is called a Management Council, but it is a soft model without authority.

Jeanne DeRose said she was concerned when she went to public hearings that the program was not strong enough. This approach says we will compromise instead of coerce, operate through consensus instead of clout, persuasion instead of pushing. The option is open for the future Council to initiate more sweeping legislative action, if necessary.

Bob Ragotzkie said this is not a soft program. There are other kinds of power. If you gain support and respect, the Council could be powerful without a single additional authority. Power derives from respect and good performance.

5. Other

Nancy Schreiber returned to the need for clarifying language (Attachment 1, No.5) to point out that the Council will be an advisory, not a regulatory, body.

Steve Born asked if there were additional items to be added to the afternoon agenda.

Nancy Schreiber said the Citizen's Advisory Committee recommends that item 4, page 40 of the Program Proposal read as printed on page 102 of Report 1.

Lew Dixon raised the issue of federal consistency with regard to power plants. (Report 1, p. 104).

Jim Purinton said the issue of accountability might be added.

Marie Sladky asked what would be discussed under Organization. Steve Born answered by saying this included membership, state agency representation, and voting power.

The afternoon agenda included:

- Organization (State Agency Representation and Voting)
- Future Actions (Process) (Existing Laws)
- Federal Approval
- Clout
- GAMC (Item 4) (Program Proposal, p. 40)
- Federal Consistency (Program Proposal, p. 92)
- Accountability/Re-evaluation Provision

II. THURSDAY AFTERNOON SESSION - 1:30 p.m.

Steve Born read a letter from Ella Opitz requesting that Thomas Leisle be allowed to vote as her designee. Born asked the Council if there were any objections to this. No objections were raised, and the Co-chairman confirmed the voting right of Thomas Leisle.

A. Organization

Al Miller reviewed the functions, representation and voting membership of the Coastal Management Council (pp. 60-61, Program Proposal). He also mentioned state agency representation with no vote as an option.

Don Reed proposed the SEWRPC plan with 36 members and non-voting state agency members. He pointed out that Bay Lake RPC proposed a 29 member Council with state agencies not voting. SEWRPC could live with that. He said similar questions were also raised in Northwest Wisconsin.

Ted Lauf said the program relies on state implementation and state agencies should have a voice.

Joanna Rody said there are genuine concerns about red tape and bureaucracy. A major political concern and a drawback to certain people is the lessening of people's power on a broad base. However, if there is consensus on the goal of the program in general, then the main purpose goes beyond these concerns.

Harvey Grasse said, "In one breath we say we are relying on present management policies and in the next breath, we are not listening to state agencies."

John Wroblewski said he had no fear of state agency people voting, but that we need these people (Southeast Wisconsin, Bay Lake Area) in the program. He suggested a compromise, changing the ratio of state agency votes to total votes on the proposed Council.

Steve Born reviewed the numbers, 7 of 29 members would represent state agencies. Don Reed added that in his opinion--the University- Sea Grant and Extension--are state agencies.

John Kerski referred to the Bay Lake RPC letter (Report 3, pp. 79-80) and said that agency people make it to meetings, and the interest of others wanes. He suggested adding representatives from Green Bay and Superior. Kerski said perhaps there could be regional sub-councils. Al Miller pointed out this would be similar to the regional task forces (Program Proposal, p. 74).

Nancy Schreiber said, "The Citizen's Advisory Committee voted to recommend to the Council 'that the Council accept the organization as stated in the Proposal pp. 59-74, because it is the best political compromise,'" and entered the motion to the Council. Ted Lauf seconded the motion. Steve Born asked if there were any amendments. There were none.

The Council further discussed the issue of state agency participation. George James suggested that state agencies might draw straws to reduce the number voting. John Kerski said he was comfortable with state agency representation, but his vote would reflect the view of Bay Lake Regional Planning Commission.

The Council voted in favor of the motion 15-2 (Kerski, Leisle voted no).

B. Future Actions (Process) (Existing Laws)

1. Adequacy of Existing Laws

Caryl Terrell pointed out (Program Proposal, p. 16) the paragraph describing the Council's possible advocacy of new regulatory authority. Ted Lauf said it is fundamental that the program proposal not preclude future legislation. He said there is no intent to slip something through, this would be used only if needed as the Council felt it was necessary.

It was moved by John Wroblewski and seconded by Kerski that the initial coastal management program would rely on existing state programs for implementation. If existing regulatory programs, after a period of time of working at peak efficiency, are found to be inadequate, the Coastal Management Council might seek new regulatory authority before the Wisconsin Legislature. The Council voted 16-1 (Leisle voted no) in favor of the motion.

2. Process

It was moved by Marvin Beatty and seconded by Bob Dusenbery that the Coastal Management Program Proposal of April 1977 be amended to clearly state that any proposals to modify existing state authorities with regard to coastal management receive adequate notice and opportunity for extensive review and comment through existing mechanisms supplemented by additional efforts of the Coastal Management Council, affected local governments, citizens, and regional and state agencies.

Marv Beatty explained that his intent was to ensure the widest public review of any proposed regulatory changes. Florence Dickinson said this needs to be the primary responsibility of the future Council.

The Council unanimously passed the motion.

C. Federal Approval

Dave Owens explained technical modification to the Program Proposal (Handout, "Technical Amendments to the Program Proposal"). The additions are necessary to meet technical requirements of the Coastal Zone Management Act of 1972 and

federal regulations, but do not change the substance of the proposal. OCZM has two major concerns: 1) specific policies and 2) the compliance mechanism. This led into a discussion of the Council's clout. (see also this morning's discussion, C. 4.).

Jeanne DeRose questioned exactly what the Council's function would be in the compliance mechanism, stating that the PSC has a list of remedies required by the Court. She felt these could be a help or a hindrance.

It was moved by Jeanne DeRose, and seconded by Joanna Rody to reaffirm the present organization for implementation on pages 59-62.

Bob Ragotzkie said it's appropriate to add a function #11 on page 67 (Program Proposal). He made a motion seconded by Jeanne DeRose to add:

[11. Accept responsibility and carry out functions as may be assigned by the Governor.]

Upon approval of the maker and seconder of first motion, the two motions were joined.

The Council passed the motion by a vote of 16-1 (Leisle voted no).

D. Accountability

The Council discussed the program review process. Harvey Grasse said there are two types of audit: 1) how well the organization is functioning and 2) audit of the management process. Nancy Schreiber pointed out the Citizens Advisory Committee insisted that language (Program Proposal, p. 74) be included which calls for an annually initiated review of the Citizens Committee. Joanna Rody said accountability is built in within the organizational makeup of the Council.

It was moved by John Kerski, seconded by Jeanne DeRose that: (1) the Coastal Management Program will be accountable to the Governor, the Legislature, the general public, the federal Office of Coastal Zone Management and the Council membership itself; (2) there be widespread annual dissemination of Program activities, accomplishments, and problems to all interested parties; and (3) the Coastal Management Council, along with the Citizen's Advisory Committee, initiate a reevaluation of its structure, role, functions, and the need for its continued existence, independent of federal agency review and independent of the required fiscal audits. The motion passed (17-0).

E. Tribal Governments

Al Miller reviewed previous Council actions with regard to the participation of Tribal Governments in the Wisconsin Coastal

Management Program. He read a letter from OCZM Director Robert Knecht, which explained OCZM's latest policy position which is still open to further discussion. A liberal interpretation of existing language allows states to treat tribes as regional agencies. Tribes would be eligible for both section 305 and 306 funding on a contractual basis. This avoids questions of sovereignty and jurisdiction. Miller described a meeting of Bureau of Indian Affairs, Economic Development Administration, Upper Great Lakes Regional Commission, OCZM, representatives from three state coastal management programs (Wisconsin, Michigan, and Minnesota) and the tribal chairmen of 5 Indian Tribes which led to the policy position.

Henry Buffalo said the Red Cliff Tribal Council wants to participate in the Wisconsin Coastal Management Program. The Bad River Tribal Council has not indicated a willingness to participate; it is watching the experience of Red Cliff. Henry Buffalo then submitted a proposal to earmark Coastal Management Program funds for use by the Indian tribes. Tribes would receive a fixed percentage share in proportion to their share of coastline.

Miller handed out a draft policy statement (Wisconsin Coastal Management Program Policy: Tribal Governments). Two changes in the Program Proposal would be required, the addition of Tribal Governments to the list of those eligible for technical Assistance (p. 82) and for implementation through nomination of Geographic Areas of Management Concern (p. 84). Miller explained that oversight for all contracts including those with Tribal Governments will rest with the Council.

The Council debated the issue of a separate funding category for the tribes. Buffalo expressed the Indians' fear of being left out; John Post said some federal programs, such as Public Works, provide a definite share for Indian Reservations. The sense of the Council was that the any specific allocation of funds to the Tribal Governments would mean a fundamental change in the program from the proposed method of granting funds on a case by case basis, through competitive proposals.

It was moved by Ted Lauf and seconded by Bob Dusenbery to adopt the Wisconsin Coastal Management Program Proposal, dated 6/20/77. Steve Born pointed out that acceptance of Part 3 of the policy paper would be in opposition to the Red Cliff request for earmarked funds. The motion passed unanimously.

F. Automatic Designation of Power Plant Sites as Geographic Areas of Management Concern (GAMCs)

Nancy Schreiber said the Citizens Advisory Committee recommended the change proposed by the Wisconsin Electric Power

Company Report 1, p. 102) by a vote of 4 yes, 1 no, and 4 abstaining.

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Lew Dixon said power plant sites identified in advance plans are the only category of GAMC which requires state agency approval, therefore designation should be automatic in order to streamline the process. He argued that the Council's involvement should be at the front end to encourage public participation before a Public Service Commission decision is made.

Al Miller questioned who will manage these GAMCs and what will be the management policy and authority to implement that policy.

Chuck Rice said the impact of a power plant is absolutely critical to the lake, and therefore, to the program.

Steve Born said the state has developed a power plant siting process and the Council should have a meaningful role in that process.

Bob Ragotzkie asked what happens if the sites don't receive automatic designation? If the regular GAMC designation process would apply, he thought that would increase public involvement.

Steve Born said the effect of the Council providing automatic approval is the recognition that energy development is one of many legitimate uses of the coast. The Council would propose a site and oppose conflicting uses while that site remains a part of the advance plan.

Diane Brinson suggested the PSC hearings on the advanced plans would be the best times for the Council to encourage citizen involvement.

Tom Leisle said it is just one less roadblock to power plant siting, but the controls would remain the same.

John Post pointed out that designation involves a negotiated work program and suggested that the nomination be automatic.

Diane Brinson said the PSC is in a state of flux; she would be more comfortable with automatic nomination rather than automatic designation.

It was moved by Jeanne DeRose and, seconded by Tom Leisle that nomination be changed to designation so that Item (4), page 40 of the draft Program Proposal be revised to read as follows: "Specific areas within the Coastal Management Program

area identified as future power plant sites in Advance Plans approved by the Public Service Commission pursuant to the Wisconsin Power Plant Siting Act. Nomination of such future power plant sites as GAMCs would be automatic upon approval of an Advance Plan specifically identifying and analyzing such sites pursuant to Stat. 196.491(2) and PSC 111.24."

Jeanne DeRose said this is a question of making a prior kind of arrangement for power plant acceptance, similar to the earlier request by the tribal government. John Kerski said power plants were so important that if there would be any exception to the Coastal Management Program, power plants should be that exception.

Dave Owens pointed out that the advanced plan is not the same as a permit for the power plant.

The Council voted 12-4 in favor of the motion (voting no were DeRose, Rody, Born, Ragotzkie).

G. Federal Consistency

Lew Dixon explained that once any site is designated a GAMC, under this proposal, there would be no further requirement for certification of consistency. Dixon fears the federal government will want a determination of state consistency before they begin their reviews. Delays can be costly, and probably greater than any dollar benefit to the state from the Coastal Management Program.

Nancy Schreiber reported the Citizens Advisory Committee motion on this failed (7 no, 2 yes); but a motion that the sentence, "It is reasonable to assume that federal review will be concurrent with state review" be added to the first paragraph on page 94 of the Program Proposal, passed (8 yes, 0 no, 1 abstain).

Al Miller clarified the process (pp. 92-93, Program Proposal); if a state permit is issued for a power plant, it is automatically determined to be consistent with state plans and policies.

Bob Ragotzkie expressed sympathy for any delay, but said the Council does not have power to offer an automatic consistency statement by going around established state policies or permitting processes. We should work on the assumption that federal agencies will review at the same time as state agencies.

Dixon then proposed removing all energy related issues from the proposal.

It was moved by Nancy Schreiber and seconded by Joanna Rody that the following sentence be added to the first paragraph on page 94 of the Program Proposal, "It is reasonable to assume that federal review will be concurrent with state review." The motion passed 15-1 (Lauf voting no).

It was moved by Tom Leisle and seconded by John Kerski that staff will seek assurance that federal and state reviews of electric generating facilities continue to receive concurrent review by requesting clarification from the Nuclear Regulatory Commission, the Federal Power Commission, and the Office of Management and Budget. The motion passed unanimously.

Steve Born charged the Council to review the state policies memo from Caryl Terrell and briefly outlined the next day's agenda. The meeting will begin at 9:00 a.m.

The meeting recessed at 5:40 p.m.

III. FRIDAY MORNING SESSION - 9:15 a.m.

Steve Born welcomed Council and Committee members and noted that George Berteau could not attend because of an important meeting with the Milwaukee County Board. The day's agenda includes:

Policy Section Revisions
Adoption of Amended Proposal
Recommendation to the Governor
Other Business
Visit from Lt. Governor Schreiber

A. Draft Technical Revisions

Al Miller said these policies are presently in the appendices of the Program Proposal, but that they would be brought into the body of the Proposal.

Caryl Terrell reviewed the "Memo to Council, Committee and Staff." She said these are state policies, so it is not a matter of approving these policies, but there may be suggestions for wording changes. The Council may wish to delete certain policies because members feel the policies do not deserve highlighting in this manner.

Ted Lauf said state agencies are circulating this document with comments to be sent before July 1.

Nancy Schreiber asked if these changes could be incorporated into the program proposal under the specific paragraphs where they apply, so that these paragraphs could be used as a reference to the legislative source.

Caryl Terrell replied Section I D. will be expanded to include these specific references.

Don Reed agreed with Nancy Schreiber and suggested adding the phrase, "existing authorities to achieve these goals are:".

It was moved by Bob Ragotzkie and seconded by John Wroblewski that the policy changes be accepted in principle with suggestions for format changes in the proposal considered. Motion carried unanimously.

B. Adoption of Amended Program Proposal

Al Miller said that the revised Program Proposal sent for submission would be the same as the Program Proposal used by Wisconsin citizens, with additional technical materials put into appendices.

Steve Born asked for other changes to the program proposal. There were none.

It was moved by Joanna Rody and seconded by Nancy Schreiber to adopt the Wisconsin Coastal Management Program Proposal as modified, based upon public review and comments and subsequent deliberations by the Council yesterday and this morning.

Don Reed stated that SEWRPC has elected to take no position on the Coastal Management Program for two reasons: 308

- 1) Of our four Coastal Counties, two have no position, one is in favor, one against; also we have received letters and resolutions from towns, cities and villages in support of or against the Program.
- 2) The Technical and Citizen Advisory Committee came out against the Program by one vote, with several abstentions.

However, the staff sees some elements of this program which would be beneficial to the functioning of the SEWRPC.

Nancy Schreiber reported that the Citizens Advisory Committee moved unanimously that the Council adopt the Wisconsin Coastal Management Program Proposal as written and as amended through these activities because it is a workable compromise and a starting point for the state.

The Rody motion passed 18-1 (Thomas Leisle voting no).*

Don Reed asked if George Berteau's letter stating the SEWRPC position could be counted as an abstention. It was moved by Ted Lauf and seconded by John Kerski that all absent members be given the option to record their position within the next five days or have it recorded as absent. Motion carried unanimously.

C. Recommendation to the Governor

Steve Born introduced Dick Ehlenfeldt, former legislative liaison for Bob Dunn, now Lt. Governor Martin Schreiber's agency liaison.

The Council then reviewed a draft resolution for submission to the Governor. Three alternatives were proposed.

- 1) A recommendation that the Governor submit proposal to OCZM for funding under Section 306 of the Coastal Zone Management Act of 1972.
- 2) A recommendation to the Governor that the state no longer proceed with any further coastal management efforts and that no application be made to the Departments of Commerce for funding under Section 306 of the Act.
- 3) Further study and deliberation, no recommendation on efforts at this time.

A number of changes in the draft resolution were suggested. Nancy Schreiber questioned the January 1975 date for creation of the Council.

Don Reed said RPCs should be added to read ". . . Council has consulted fully with local governments, regional planning commissions, state agencies, federal agencies and other public and private groups; (paragraph 5).

Dorothy Sanders questioned the precise meaning of the word numerous and suggested its deletion (paragraph 2).

Ted Seavers proposed inserting "intensively" (paragraph 2) to read "developed and intensively studied alternative recommendations".

L.M. Cowley felt there should be some mention of the 11 public hearings either in a separate paragraph or in paragraph 6. He also said the State Conservation Congress (representing 71 counties) met on June 3 and made a resolution to support the Coastal Management Program Proposal. This information had not been relayed for inclusion in Report 3.

It was moved by Ted Seaver and seconded by Jeanne DeRose that the Council adopt the resolution as amended in our formal discussion with the recommendation of Alternative 1(Attachment 2).

Jorothy Sanders was concerned about a delay in submission. Al Miller stated that submission process would proceed as rapidly as possible.

Representatives Metz and Dandeneau submitted written yes votes on submission of the Program Proposal.

Tom Leisle made a motion to amend the motion to substitute alternative two.

Steve Born ruled the motion out of order because the amendment runs counter to the intent of the original motion. The same discussion could occur in support of an effort aimed at defeating the motion.

Don Reed suggested the mover split the motion with the "where-as" section in one part and the alternatives in the second part. Seaver and DeRose declined to do this.

Steve Born made the point he was not ruling out discussion of the issue and recommended Leisle ask for defeat of the motion.

Harvey Grasse expressed concern that the Council should find a way to vote on Leisle's motion. Born reviewed the decision-making process of the past two years and said the present motion was an outgrowth of that process.

The Council voted 19-1 (Leisle voting no) in favor of the motion.*

Don Reed asked that the courtesy of mailing in a vote be extended to those absent.

It was moved by John Kerski and seconded by Nancy Schreiber that absent members be allowed to vote by mail until June 29. Motion carried unanimously.

Steve Born reviewed, for the record, the areas and groups represented on the Council.

Marvin Beatty -	University of Wisconsin Extension
George Berteau -	Southeast Wisconsin Regional Planning Commission (represented by Don Reed)
Rep. Marcel Dandeneau -	Racine Area
Jeanne DeRose -	Inland Citizen
Robert Dusenbery -	Ashland County Board Supervisor and member of NWRPC
Rufus Entringer -	Kewaunee County Board Supervisor and member Bay Lake RPC
Mayor Hagen -	City of Superior (official designee: Marie Sladky)
Arne Gausmann -	Department of Transportation
Richard Gurnoe -	Red Cliff Tribal Council (official designee: Henry Buffalo)
George James -	Department of Local Affairs and Development
John Kerski -	Marinette County Board Supervisor and Chairman, Bay Lake RPC.
Arthur Kurtz -	Department of Agriculture (represented by Tom Kruchten)
Ted Lauf -	Department of Natural Resources
Rep. Sharon Metz -	Green Bay area
Lewis Mittness -	Public Service Commission (represented by Diane Brinson)
Mayor Monfils -	City of Green Bay (official designee: Dale Preston)
Ella Opitz -	Supervisor Ozaukee County (Designee for this meeting: Thomas Leisle, Ozaukee County Board Supervisor, former Mayor of Mequon)
Bob Ragotzkie -	Director Sea Grant College Program

*Replies were received from four persons. Arthur Kurtz, Marvin Beatty, and George James cast votes in favor of both motions. George Berteau abstained (by telephone). Total on motion to accept proposal as amended and on motion to recommend submittal of the Proposal by the Governor to the Department of Commerce: 22 yes, 1 no, 1 abstention.

- Harout Sanasarian - Former State Representative, Milwaukee County Board Supervisor, nominated by SEWRPC (official designee: J. Rody)
- Dorothy Sanders - Milwaukee Resident nominated by SEWRPC
- Nancy Z. Schreiber - Chairman, Citizens Advisory Committee numbering 22 members
- Ted Seaver - Milwaukee Mayor's Office
- Chas. Tollander - Burnett County Supervisor, Chairman NWRPC (Official Designee: Marvin Innes, Iron County Board Supervisor)
- John Wroblewski - Former Mayor of Washburn, member NWRPC
- Steve Born - Office of State Planning and Energy, State Co-chairman appointed by Governor Lucey
- Harvey Grasse - Door County resident, former state highway commissioner, local Co-chairman appointed by Governor Lucey

Harout Sanasarian thanked the Co-chairmen for giving so much of their time to the important task. He also thanked those members of the Council and Committee who worked so diligently on the sub-committee which developed the recommendations which form the basis of the present proposal.

Steve Born, in turn, thanked the Council and Citizens Advisory Committee for their contributions in forming the program proposal.

D. Coast Watch

Bob Ragotzkie explained his idea of a Coast Watch, dividing the 620 miles of coastline into one mile segments and having a citizen volunteer monitor his stretch of coast weekly. The volunteer would observe problems and report changes. Ragotzkie foresees the program costing \$10,000-20,000 for one full time employee.

Two varying points of view were reflected by the Council: 1) that coast watch would have bad connotations as a kind of spy or reporting activity 2) that valuable data on the changing coastline could be gathered while increasing citizens' awareness of the coast.

It was moved by Ted Seaver and seconded by Dorothy Sanders to remand the Coast Watch idea to the Citizens Advisory Committee for further consideration and study, taking note of local government and community concerns. The motion carried (14-4) with Sladky, Dusenbery, Wroblewski, and Innes voting no.

Steve Born announced the availability of a new publication, "Great Lakes Shore Erosion Protection--A General Review with Case Studies," which will be part of the State's future Shore Erosion Plan.

E. Manitowoc County

Al Miller reported the receipt of a letter from Manitowoc County inquiring about funding (12,000) for a land use plan and engineering feasibility study (sewer and water) in the Town of Two Rivers. The Town is unable to fund these studies which could lead to a Community Development Block Grant.

The Council discussed ways the need in Manitowoc County might be met, but determined the request was premature for 305 1/2 funds. Because no other community proposals were solicited, the Council members felt the studies should not be funded. This was done not on the merit of the request, but because of the procedural question.

It was moved by Ted Lauf and seconded by Ted Seaver that the staff respond to this inquiry from Manitowoc County, without any comment on the merits of the proposal, that it is premature; but that it may be highly acceptable under 305 1/2 or 306 funding. Motion carried unanimously.

F. Future Activities

Al Miller stated that the current funding term ends October 1. There will be a six month review of the program by OCZM if the Governor forwards the proposal as recommended. During this time the program would have interim funding known as 305 1/2. Projects funded under 305 1/2 should be those which can be accomplished in six months. This Council will go out of existence October 1 and the acting Governor will appoint the new Coastal Management Council and name its Chairman. The Council will, in turn, appoint the new Citizens Advisory Committee.

Steve Born suggested that a small executive committee be formed to approve the Grant Application, the six month budget, and to do an initial review of geographic areas of management concern. The staff in all agencies including RPCs will remain intact.

It was moved by Ted Seaver and seconded by Dale Preston that a small Executive Committee be appointed to serve as a surrogate for the council. The motion passed unanimously.

Steve Born announced the following appointments: Harvey Grasse, Nancy Schrieber (or a representative from the Citizens Advisory Committee), Ted Lauf, John Wroblewski (alternate: Bob Dusenbery), John Kerski, Jeanne DeRose, Ted Seaver and Henry Buffalo.

Don Reed said SEWRPC would like a direct RPC representative. Steve Born said no, this is a State Council and the RPCs would not have direct representation, although each geographic area would be represented. Harvey Grasse said he felt there should be stronger state representation. Arne Gausmann, DOT, was added to the Executive Committee. Harout Sanasarian announced that his votes or those cast by Ms. Rody represented his own positions, not those of SEWRPC.

Bob Ragotzkie introduced a resolution, seconded by Jeanne DeRose, thanking the staff. A copy of the resolution is to go to all staff members.

WHEREAS the members of the staff of the Wisconsin Coastal Management Program have effectively served the Coastal Coordinating and Advisory Council in the process of developing a plan for the management of the coasts of Wisconsin; and

WHEREAS the work of the members of the staff has contributed significantly to the Coastal Management Program plan,

THEREFORE, BE IT RESOLVED that the members of the Coastal Coordinating and Advisory Council express their appreciation to and commend the members of the staff for their work and contribution to the Wisconsin Coastal Management Program.

The resolution passed by an acclamation.

IV. FRIDAY AFTERNOON SESSION - 1:45 p.m.

Nancy Schreiber said, "on behalf of the members of the Citizens Advisory Committee, I want to express both our satisfaction and pleasure in having been part of the program development effort. The uniqueness of having citizen participation built into the initial grant application, of having the independence and climate of open discussion, the open-ended action, was very much appreciated. Never at any point did we feel we were, in any way, a rubber stamp to the Council. I regret we do not have a formal presentation and statements to make. I certainly hope the Citizens Committee members here today find these remarks express their thoughts, beliefs and appreciation to the Chairmen and to the Council."

A. Calendar

Steve Born quickly reviewed upcoming events. The present Council will continue in action until October 1. The 305 1/2 application will be reviewed in late July prior to A-95 review. If the Governor accepts the Council's recommendation, he will issue an Executive Order in September. The new Coastal Management Council will be appointed and will take responsibility in October for the 306 budget and calendar. A separate fiscal committee may be established and regular Council meetings could be on a quarterly basis. The new Council will oversee the program and designate Geographic Areas of Management Concern (GAMCs).

B. Geographic Areas of Management Concern (GAMCs)

Al Miller reported that a worksheet for preliminary nomination of GAMCs will be distributed to local officials in coastal areas and, through the RPCs, to the technical community. There are six types of areas, and designation depends on management policies and the authority and ability to carry out those policies. The Executive Committee would review nominations in mid-September for eligibility, but the new Coastal Management Council would designate GAMCs.

While waiting for Lt. Governor Schreiber's arrival the Council discussed acquisition plans for the Grand Traverse Islands, car ferries, and the increased Environmental Protection Agency budget item for Great Lakes water quality.

C. Lt. Governor Martin Schreiber

Steve Born gave some background on Council activities and formally presented the Council's recommendation to Lt. Governor Schreiber.

Lt. Governor Schreiber spoke briefly. He commented particularly on the grassroots origin of the program proposal. He said he was eager to work with the Council and anticipated many good things happening. He shook hands with the Council members before leaving.

Steve Born said he felt the program would receive Schreiber's support. He reiterated Bob Ragotzkie's words that there is nothing soft about the Council's position; he then thanked the Council and wished them well.

The meeting adjourned at 2:10 p.m.

CC:kf-7/384794

CITIZENS ADVISORY COMMITTEE
TO THE
WISCONSIN COASTAL PROGRAM

6/23/77

ATTACHMENT 1

ATTACHMENT 2

312

The Committee met in special session on Wednesday, June 22 to discuss the public's response to the Program Proposal. After studying the public's review and comment, the Committee listed and ranked significant criticisms and items of support of the Proposal.

Q: WHAT PARTS OF THE PROPOSAL HAVE SIGNIFICANT SUPPORT?

<u>Rank</u>	<u>Item</u>	<u>Nominal Group Score</u>
1.	Advocacy Role for the Lakes	44
2.	Goal and Objectives	38
3.	Public Participation	33
4.	Coordinative Role of Program	30
5.	No new laws or bureaucracy, use existing tools	22
6.	Increasing the Priority of Great Lakes	16
7.	Maintenance of Integrity of Environment	12

Q: WHAT ARE THE SIGNIFICANT CRITICISMS?

1.	Not Enough Clout	43
2.	Uncure of Future Actions of Program	31
3.	Organization is Not Agreeable	22
4.	No Mechanism to Resolve Conflict	21
5.	Not Sufficient Funding	18
6.	Duplication of Authorities	16

WHEREAS the Wisconsin Coastal Coordinating and Advisory Council was created in October 1974 by Governor Patrick J. Lucey to study coastal management in Wisconsin and develop recommendations for state action in this regard; and

WHEREAS the Wisconsin Coastal Coordinating and Advisory Council has undertaken studies and inventories of coastal resources and issues; and

WHEREAS the Wisconsin Coastal Coordinating and Advisory Council has over the past two years developed and intensively studied alternative recommendations for improving coastal management in Wisconsin; and

WHEREAS in the course of developing these recommendations the Wisconsin Coastal Coordinating and Advisory Council, the state Citizens Advisory Committee, and the three regional technical and citizens advisory committees have undertaken a full program of public participation, including public meetings, hearings, and informational programs; and

WHEREAS the Wisconsin Coastal Coordinating and Advisory Council has consulted fully with local governments, regional planning commissions, state agencies, federal agencies, and other relevant public and private groups; and

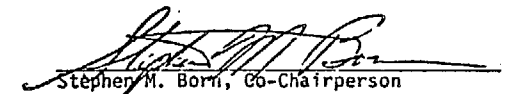
WHEREAS a specific draft proposal for improving coastal management was adopted by the Wisconsin Coastal Coordinating and Advisory Council for broad public review in February 1977 and was widely reviewed at eleven public hearings throughout the state; and

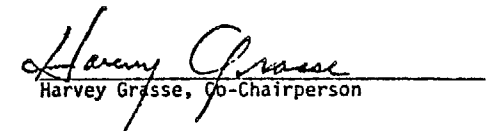
WHEREAS the Wisconsin Coastal Coordinating and Advisory Council considered the comments received, made modifications, and adopted a specific proposal for a Wisconsin Coastal Management Program on June 24, 1977;

NOW, THEREFORE, BE IT RESOLVED by the Wisconsin Coastal Coordinating and Advisory Council, that the attached proposal be forwarded forthwith to the Governor of Wisconsin with a recommendation that he submit this proposal to the Office of Coastal Zone Management, Department of Commerce for consideration for funding under section 306 of the Coastal Zone Management Act of 1972.

BE IT FURTHER RESOLVED that the Wisconsin Coastal Coordinating and Advisory Council offers its services to the Governor in carrying out the above recommendation.

Duly resolved by the Wisconsin Coastal Coordinating and Advisory Council this 24th day of June, 1977, in Madison, Wisconsin.


Stephen M. Borni, Co-Chairperson


Harvey Grasse, Co-Chairperson

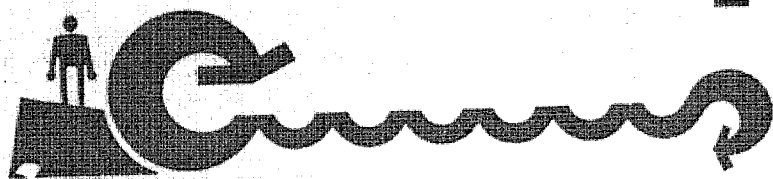
APPENDIX F

Excerpts from the Minutes of the Citizens Advisory Committee, Initial Meeting - April 23, 1975

MAJOR COASTAL ZONE ISSUES --- as perceived by individual Committee members (round-robin listing)

1. The scientific areas, the natural areas, the wildlife areas of the coastal zone -- their identification and a determination of what should be done about them.
2. I'm really extremely concerned about nuclear plants on the lake. Aside from power plant siting, I'm concerned about nuclear plants being on a lake. If there were a melt-down, I'm not a prophet of doom; I know a fair amount about nuclear plants, I believe if you stand twenty feet away you don't get anymore radiation than from your mother's apple pie -- like their ad says -- but if there were a melt-down that got radioactivity into Lake Michigan, our whole resource would be gone and we wouldn't be able to use it for water and we wouldn't be able to use it for anything, besides injuring immense numbers of people. It's my personal feeling that no nuclear plant should be built on the lake.
3. Limited economics; to have access to what recreational facilities might be available.
4. Integration of economic development and the environment; it has to be done, and it has to be done in a sensible manner.
5. Concerned with the shore, especially the appearance and the destruction of much of the timbered shoreline; the attractiveness.
6. Shoreline erosion.
7. Power plant siting, transmission line routing and . . . the importance of the use of the lake as a source of cooling water.
8. Participation by the Red Cliff and Bad River Indians; they own most of the Lake Superior shoreline in Wisconsin.
9. Recreational use as it applies primarily to boating facilities.
10. I think that the most important thing that has to be done is take control of the lake level, and it certainly can be done, it just takes money.
11. The people capacity of Door County and the two things that have a big impact on it -- the transportation system (and this primarily is around the lakeshore, it would probably be in the area we are concerned with) and the other point is the Northport development -- this marina project of the Corps of Engineers. The implication of that, I think, has to be looked at very carefully.
12. Residential shorelands status relative to use, riparian rights, protection, cost.
13. In relation to shorelands status, I'd say adherence to flood plain shoreland zoning, adherence to zoning regulations, dredging and dumping of spoils.
14. I'd like to see some basic criteria for shoreland zoning -- in other words . . . we don't establish anything that's to local or that's set up for various areas of the state.
15. My primary concern would be how, in the shoreline zone -- the coastal zone -- how all the activities, industry, power, people moving around, traffic -- how all of this life and activity is going to affect the inshore waters of Lake Michigan; because these inshore waters from five miles and in are basically the nursery zone of the fisheries of the lake. Everything that we do affects that zone, that nursery zone. So, my concern would be what is happening, how is it affecting the fisheries, what can be done to regulate change and upgrade the happenings.
16. Well, there isn't very much left, I really can see everything that's been put down there and can identify with it. I believe that they are very definite, particularly lake levels -- but none of it means a thing unless we do something about waste disposal and keeping up the ecology of the lake and keeping it -- or making it more pure.

F. REGIONAL COASTAL PROBLEM STATEMENTS



ISSUES OF PARTICULAR CONCERN IN THE BAY-LAKE COASTAL AREA

INTRODUCTION

The Bay-Lake Regional Planning Commission has sought public opinion on coastal issues in a variety of ways. On January 29, 1975, the Commission co-sponsored a regional conference on the Coastal Zone which was attended by 150 persons. A questionnaire was distributed at that conference and some 50 responses were received. Appendix "A" summarizes those responses. Following the conference, the Bay-Lake Regional Planning Commission established a Citizens' Advisory Task Force on the Coastal Zone. This thirty-eight member group has met seven times since its creation. Additional information has come from a workbook completed by Task Force members following their initial meeting. Appendix "B" summarizes the workbook.

Information on coastal issues within the region has also come from the members of the Bay-Lake Regional Planning Commission itself. The Commission members are primarily local elected officials. Additional sources of information include the Bay-Lake Regional Technical Advisory Committee, and reports in local newspapers. The Technical Advisory Committee meets monthly to review area planning issues, and is composed of county and local planners; University Extension Agents; representatives of area-wide planning related agencies in northeastern Wisconsin; and representatives from state and federal agencies with offices within the region.

This summary of regional and local issues is compiled from all of the above sources, plus meetings with special groups and local committees with interest in the coastal program. As the report is an aggregation of information from a variety of sources, the summary may not reflect the priorities or opinions of any specific group or individual who contributed during the past eighteen months. While every attempt has been made to reflect the range of opinions expressed, this summary is nevertheless a staff report on eighteen months of public participation activity.

A SUMMARY OF COASTAL ISSUES IN THE BAY-LAKE REGION

I. PEOPLE

A. Economic

"Balanced economic development" was identified as the number three issue in the region by the members of the Task Force. Respondents to the conference questionnaire also considered a strong economy, specifically commercial and industrial development, as an important concern.

Port development was not considered an issue of highest priority by members of the Task Force or by conference questionnaire replies. The ports were considered important, however, and a number of specific concerns were raised during reviews of the port policy draft. Additional interest in ports was expressed by interest groups. The Sheboygan Rotary Club was very interested in the issue, and expressed their concern that the role of smaller ports be carefully defined by the CMDP. Among the specific concerns raised by the Task Force and others were:

- The impacts of winter navigation, particularly the environmental effects.
- The costs and benefits of winter navigation, both dollar cost and social and environmental cost.
- The need for small harbor development including improved facilities, dredging, and more support for recreational boating and commercial fishing.
- Continued carferry service across Lake Michigan.
- Dredging and dredge spoil disposal.
- Environmental and social effects of port development important as well as economic effects.
- Concern that public over-investment in ports might occur. There are limited public funds available. With declining traffic and high costs there are limited revenue possibilities.

(See appendices "C" & "D" for a more complete discussion of port issues).

-Commercial fishing - most input considered the continuation of commercial fishing to be important but not of highest priority. More reasonable regulations, better facilities, improved marketing, and harbor maintenance all were suggested as aids to commercial fishing.

-Sport fishing, both shore and boat was considered relatively important. Existing docking, marinas, ramps, etc need to be maintained. Small harbor dredging needed, as are better navigation aids and improved weather forecasting. The most likely role of small ports would be to focus on recreational fishing and boating. Shore fishing presents

problems such as litter, trespass and noise in some areas. Local communities (Algoma and Kewaunee) have adopted ordinances to control shore fishing. In spite of some problems, fishing is considered a valuable economic activity. Most communities encourage public fishing. The Sheboygan Coho derby is a particularly good example.

B. SOCIAL

-Task Force and others felt that each policy study and all aspects of program should include consideration of environmental and social impacts of policies and that too much emphasis has been placed on economic effects.

-Identification and protection of significant historic sites and cultural features was considered important by many.

-Residential development and second home development was not a major issue, although there were some particular issues which related specifically to taxation (see below).

-Impacts of recreation and public access were a major concern. (See Appendix E) Specific issues included:

-impacts on land use patterns

-adverse environmental and social impacts such as trespass, noise, litter and groundwater pollution.

-overcrowding of facilities including parking areas, boat ramps, parks, and accommodations.

-What are the possibilities for compensation of local residents for social and environmental impacts?

-Needs of resident population must be recognized in recreation as well as those of "transient" users.

II. RESOURCES

A. Water

-Poor water quality, particularly in lower Green Bay, was identified as the most important problem in the conference questionnaire.

-most important sources of pollution were identified as municipal and industrial wastes.

-PCB's are a major concern - both in drinking water and for impact on fishing.

-Some beaches in Green Bay are closed due to poor water quality while others suffer from occasional problems.

-Groundwater quality a problem in Door County.

-Water use, particularly groundwater, a future problem for Brown County.

B. Land and Soil Conservation

-Farmland preservation is important both from the standpoint of erosion, and also the siting of power plants and other development which takes valuable farm land.

-Preservation of scenic beauty important to Task Force and to Conference attendees.

-Streambank erosion along inland streams a problem as well as lakeshore erosion.

C. Wildlife Habitat

-An important issue in the region for Task Force and Conference attendees

-Protection of natural areas is of particular concern along the west shore of Green Bay.

-Wildlife habitat is an important Brown County issue as the Bay Port Project industrial park is located in a filled wetland, and the new Tower Drive will fill more wetland area.

-Damage to resources due to over-use and crowding is of concern in Door County.

-Protection of resources on the Grand Traverse Islands both a regional concern and a Door County issue.

D. Air

-Air quality is seen as an occasional problem in the Fox Valley, including Green Bay, but is not perceived as a significant issue.

E. Minerals and Mining

-Generally was given very low priority in the region.

III. SERVICES

A. Public

1. Transportation

-Abandonment of the cross Lake Michigan ferry service is an important concern. Citizens want the service retained and improved.

-Commercial port development is of concern particularly in Brown County, the Port of Green Bay is seen as an important resource and citizens are concerned about the future of the port. Part of their concern is that public funds be used wisely in the context of statewide needs. Port development is also of concern in other communities, but more from the standpoint of recreational boating.

-An issue related to ports is dredging and harbor maintenance. There was concern that, regardless of the commercial future of the ports, dredging and other maintenance would continue so the harbors could be used for recreational boating. A related concern is the disposal of polluted dredge materials. The frequent difficulty of finding disposal sites plus the high costs often encountered are particular problems. There is much interest in multiple use of disposal facilities. Manitowoc will use their containment vessel for a park and small boat harbor. Green Bay has recently approved a similar multiple use concept with the disposal site also to be used for a park and small boat harbor.

-Still other related issues included the need for improved navigation aids at all harbors, and the need for improved weather forecasting. Both of these concerns related specifically to the needs of small boat operators.

-Winter navigation was of concern with the focus being on potential adverse impacts of winter navigation. Included was a local problem of shore damage caused by spring icebreaking for early navigation.

-Highway development has also been an issue in various areas of the region. A substantial controversy has developed around the construction of Interstate Highway 43 in Manitowoc County. In addition, the Sturgeon Bay bridge in Door County has met with substantial opposition. Concern has also been expressed about the proposed Tower Drive construction in Green Bay.

2. Public Facilities (physical)

-There is a need for additional harbors of refuge for small boaters.

-Parks, boat ramps, parking spaces, and other access facilities seem to be in short supply. Concern was expressed that facilities be designed so as to minimize adverse impacts on surrounding areas.

-Siting of power plants was of concern to many citizens. The particular issue for many was the loss of prime farmlands. Also of concern was the land taken for transmission lines. It was suggested that the feasibility of offshore power plants closer to the load centers be investigated. Other concerns centered on the safety of nuclear plants, and upon the potential adverse effects of waste heat. Almost unanimous concern was expressed for the need for energy conservation. A strong feeling was stated that too much energy is being wasted.

3. Welfare

-This was not an issue directly discussed by citizens involved in the Coastal Program.

4. Solid Waste, etc.

-Waste disposal is of concern in several communities, but was not directly discussed in CMDP sessions.

5. Hazard and erosion hazard areas

-Erosion must be considered the single most important regional issue. Public and private lands and improvements are being lost in many areas of the region. Public officials and citizens are searching for any assistance in this area. A closely related issue is high lake levels. As the high water has aggravated the erosion problem, more and more people have become interested in lake levels, particularly any possibilities for lowering the water level.

-Flooding is a serious concern in Brown County and along the west shore of the Bay. High lake levels and northeast winds combined to create serious flooding in the past, and lake levels are equally high at present. Thus, many citizens fear that flooding will again occur.

-A hazard of particular interest along the west shore of the Bay in Brown and Oconto Counties is ice damage which often follows the spring icebreaking conducted by the Coast Guard. The icebreaking is conducted to assist navigation, but shore residents argue that the adverse impacts on their properties have not been considered.

6. Administration

-Of prime concern is the maintenance of local control in whatever management plan is finally adopted. Even citizens who favored a strong state management plan were concerned that actual implementation taken place as close to the local level as possible. Although many were critical of the performance of some local units of government, most felt that adequate public involvement could be assured only if implementation were done locally as much as possible. Many felt that state standards and guidelines would be needed to assure adequate local response to problems.

7. Taxation

-The issue of negative school aids is an important one with widespread opposition to the concept. This issue is of particular importance in Door County which has relatively high property values coupled with low incomes and which stands to suffer substantial losses as a result of the negative aids formula.

-Concern was expressed about the taxation of second home owners and "absentee" land owners as opposed to the permanent resident population. It was felt by some Task Force members that differences in ownership patterns should be reflected in taxation.

-Also of concern was the public costs of recreation. While it was recognized that recreation and tourism represented significant economic activities, many individuals desired more information concerning the direct and indirect costs to the public of recreation and tourism.

B. Private

1. Accomodations

-Citizens were interested in utilizing private investment as much as possible to provide facilities and services. Of particular interest was possible private investment in marina and harbor facilities, as well as investment in commercial port facilities.

2. Products

-not specifically discussed.

NORTHWEST REGIONAL PLANNING COMMISSION COASTAL
INTERGOVERNMENTAL AND TECHNICAL ADVISORY COUNCIL

COASTAL MANAGEMENT PROGRAM

ISSUES AND AREAS OF PARTICULAR CONCERN ON LAKE SUPERIOR:

The Northwest Regional Planning Commission Coastal Intergovernmental and Technical Advisory Council went through a modified nominal group process on concerns in the Lake Superior area. Dozens of items were generated, combined, ranked by each individual and the results compiled. The results of the first ranking were discussed and a second ranking process yielded ordering of priorities in 18 major categories. This provides a regional perspective.

The Northwest Regional Planning Commission, state and federal agencies, colleges and universities, and interest groups have conducted many planning endeavors relating to Lake Superior in recent years. These have included : 1) Surveys sollicitating attitudes and opinions; 2) Planning priority and problem identification efforts; 3) Functional or problem solving studies; and 4) Comprehensive planning processes.

These main documentations were analyzed and significant findings fitted under the 18 major categories to provide local and subregional perspectives.

Rank	<u>Issue, Problem or Concern</u>
------	----------------------------------

1	<u>HIGH WATER LEVELS, SHORELINE EROSION AND RECESSION</u>
---	---

This is the dominant Lake Superior concern. Inability of any unit to provide a satisfactory remedy is disturbing. The Coastal Management Program is perceived to be the operational program to address these concerns but the solutions and alternatives have not yet been provided.

Citizen groups litigation against the Corps of Engineers on lake level regulation is pending.

The Northwest Regional Planning Commission has long recommended:^{1/}

- Cease operation of SO-901 and develop an operating rule more closely approximating natural conditions.
- Include the Long Lake and Ogoki diversion in Canada as part of the Lake Superior regulation plan.
- Develop a more flexible rule providing for increased outflows through the Chicago River to the Illinois & Mississippi Rivers.
- Provide for remedial measures to prevent or abate beach erosion and inundations.

The EPA funded Red Clay project is providing two experimental approaches to shore erosion in Ashland County. This is a research and demonstration project only.

Rank

Issue, Problem or Concern

2

WASTE WATER RELATED DEVELOPMENT CONSTRAINTS ON RED CLAY SOILS

While 75 percent of the Basins population is served by private on-site home waste disposal systems, over half the soils pose severe limitations for septic tanks with soil absorption fields.

- Needs:
- Perfect improved small scale waste disposal systems.
 - Promote municipal surveillance, cleaning and maintenance of on-site systems in rural areas.
 - Develop common or joint septic tank systems with gravity and/or low pressure collection systems.
 - County/local government joint agreements for small scale waste water management facilities and services.

These could be applied to Maple, Douglas County; Marengo and Sanborn, Ashland County; and Saxon, Iron County.^{1/}

3

PROVIDE PUBLIC INFORMATION AND EDUCATION ON COASTAL PROBLEMS, ISSUES, AND SOLUTIONS

4

INCREASE AWARENESS OF LOCAL OFFICIALS TO COASTAL RELATED PROBLEMS, ISSUES, AND SOLUTIONS

5

ESTABLISH COSTS AND BENEFITS OF REMEDIAL ACTIONS TO SHORELINE EROSION

Addressed under # 1

6

INADEQUATE ZONING AND THE NEED TO ESTABLISH SHORELINE SETBACKS

The four counties have adopted shoreland ordinances which meet or exceed state requirements. In some cases state requirements (such as the 75 foot minimum setback requirements) are inadequate.^{1/} In a recent survey, 40 percent of the respondents favored shoreland zoning in Ashland and Bayfield^{2/} counties; 62 percent in Douglas County. Douglas County has had setback delineation work done. The coastal program should provide the same for the other three counties.

- Needs:^{1/}
- Develop prudent development criteria that recognize erosion, wave action effects, currents, ice effects, wave runup, seiches, and safety hazards of shore types to protect humans, property, and the natural environment.^{3/4/}

7

TRIBUTARY SEDIMENTATION AND STREAMBANK EROSION

Streambank erosion, lake shore erosion, and red clay deposition in the lake are related elements of priority. Site identification, causes, environmental effects, treatments, costs and effectiveness are areas requiring attention.^{1/} The EPA funded Red Clay Project is addressing these types of concerns only on a research and demonstration basis and only on selected sites.

8 THE NEED FOR OPPORTUNITIES FOR LOCAL GOVERNMENTS AND INDIAN RESERVATIONS TO INPUT INTO STATE POLICY FORMULATION

9 SEASONAL AND YEAR ROUND RECREATIONAL PRESSURES

Recreation and tourism are seen by many to be the way up from decades of economic stagnation along the Lake Superior coast.

Tourism influxes induced by the Apostle Islands National Lakeshore, the general attractiveness of Lake Superior, and other area recreation opportunities are welcomed openly by some and with guarded optimism by others.

The Apostle Islands National Lakeshore influx is the focus of a comprehensive 'Integrated Grant Application' to address recreational related impacts that will face upper portions of Ashland and Bayfield counties. Aspects of this effort are only commencing, so specific areas for involvement of the Coastal Management Program cannot be articulated at this time. All Lake Superior communities are anxious for guidance on how to sensitively capitalize on recreational opportunities by developing facilities and services.

In Superior, Ashland, Washburn, and Port Wing, small boat marinas are being pursued. Superior's Barker's Island project is at the Environmental Impact Report and funding application stage. Status of the Ashland and Washburn marina projects is questionable due to the uncertainty of the future of the Corps of Engineers Small Projects Authority.

The City of Superior has four waterfront related recreation opportunities supported by 1/2 to 3/4 of the respondents to a recent survey.^{5/} These are:

- Barker's Island Marina & Hotel development and Meteor restoration.
- Wisconsin Point recreational development, landfill reclamation, and All Terrain Vehicle restrictions.
- Chases Point - municipal forest trails and camp sites.
- Billings Park

Waterfront and large recreation development are priorities of Iron County.^{6/}

Attitudes toward large recreational developments varied between counties in a recent survey.^{2/}

	<u>Favor</u>	<u>Oppose</u>	<u>Not Sure</u>
Ashland County	78	13	9
Bayfield County	35	52	13
Douglas County	41	36	23
Iron County	(Not Surveyed)		

9 (CONTINUED)

Attitudes on public promotion of tourism varied also.^{2/}

	<u>Favor</u>	<u>Cut Back</u>	<u>Not Sure</u>
Ashland County	50	3	47
Bayfield County	26	14	60
Douglas County	40	9	51
Iron County	(Not Surveyed)		

There is not great interest in expanding public lands in the three counties surveyed. Approximately 1/3 of the respondents favored expansion for wildlife protection, 1/4 for parks, 1/5 for public parks. There is greater support, however, for state preservation of wetlands in Bayfield and Douglas counties.^{2/}

Northwest Regional Planning Commission 1976 program priorities reflect the attention given recreation. Commission's local planning assistance is a high priority.^{1/}

10

EXPLORE MODEL MULTI-COUNTY ORDINANCES TO COPE WITH MULTI-COUNTY PROBLEMS AND POTENTIALS

Multi-county approaches to waste water treatment was mentioned earlier. The four counties have a long history of multi-county cooperation which should be recognized in any Coastal Management implementation strategies.

11

PROMOTING PORT DEVELOPMENT

Accelerated state assistance for Great Lakes Ports ranked 5 out of 18 priority program areas of NWRPC for 1976. Local planning assistance for waterfronts, industrial parks, and recreation areas ranked from 4 to 7 out of the 18 priority categories.^{2/} All the Lake Superior deep water ports are commencing port and harbor planning activities. The Coastal Management Program is assisting Superior/Duluth. The Upper Great Lakes Regional Commission is providing funds for a Chequamegon Bay effort (Ashland and Washburn). The focus of these efforts will vary.

The effort in the rapidly expanding Superior/Duluth harbor will focus on resource assessment and the initiation of a comprehensive harbor development planning process. The goal is optimization of land and water resource potential consistent with environmental and economic opportunities. The underutilized Ashland and Washburn harbors will be the subject of studies relating to development potential and capital investment strategies. Coastal Management strategies should augment goals, objectives, and specific plans resulting from these efforts.

<u>Rank</u>	<u>Issue, Problem or Concern</u>
11	(CONTINUED)
	In a recent survey considerable local opinion was gathered regarding the Port of Superior: ^{5/}
	<ul style="list-style-type: none"> - 61% of the respondents favored a gradual approach to a joint Superior/Duluth Port Authority. - 72% favored state assistance in local port promotion funding. - 66% favored extension of the shipping season using the bubbler system. - 68% said legislators should give more attention to factors that can be controlled in development of the harbor.
	Other problems in the Superior Port are: ^{5/}
	<ul style="list-style-type: none"> - Lack of ships making Superior a regular port of call. - The winter close-up. - User fees and the Great Lakes Seaway. - Railroad rate structure. - Lack of promotion. - Chronic rat problem associated with grain handling, \$150,000 needed for clean-up.
12	<u>LACK OF CONSISTENT COUNTY LAND USE POLICIES</u>
	Inadequate governmental controls over the Lake Superior shoreline result in development conflicts, overdevelopment, social and economic conflicts.
	Needs: - Analyze effects of present shoreline standards. ^{3/}
	- Identify areas unsuitable for development. ^{3/}
	- Continue land use planning, mapping and zoning assistance to local units. ^{1/} (Third priority out of 18 NWRPC 1976 program areas.)
13	<u>LACK OF ACCESS TO LAKE SUPERIOR</u>
	Interest in small boat harbors of refuge in the major communities suggests the need for this type of access.
	Interest in water related parks in Superior clearly indicates a need for urban access to the lake.
	Any access strategies must respect:
	<ul style="list-style-type: none"> - The erodability of Red Clay bluffs which is aggravated by foot traffic and construction activity. - Vanishing beaches caused by high water levels; some may never again exist if the present situation persists.

<u>Rank</u>	<u>Issue, Problem or Concern</u>
13	(CONTINUED)
	<ul style="list-style-type: none"> - The severity of Lake Superior storms and the need to be properly equipped. - The lack of widespread support for further public land acquisition.
14	<u>LACK OF SMALL BOAT HARBORS OF REFUGE</u>
	As mentioned earlier, four communities are pursuing small boat harbor projects. The uncertainty of the Corps of Engineers' Small Projects Authority jeopardizes the Port Wing, Ashland, and Washburn feasibility studies.
	There is a need to evaluate existing harbor's navigational aids and obstructions, such as Ashland Harbor's numerous old submerged and above water pilings. ^{3/ 4/}
15	<u>WATERFRONT BLIGHT</u>
	Elements of the newly funded harbor planning programs will address this concern. The Coastal Management Program funded Superior/Duluth planning effort will include architectural studies the first year. Overall waterfront development schemes will be part of the Upper Great Lakes Regional Commission funded Ashland-Washburn effort also.
16	<u>POWER PLANT SITING</u>
17	<u>LAKE SUPERIOR FISHING CONTROVERSY</u>
18	<u>TRANSPORTATION PROBLEMS</u>
	Retaining rail service ranked first out of the 18 NWRPC 1976 program priorities. ^{1/} The Chicago and Northwestern Railroad has applied to abandon the Hayward-Ashland Junction-Bayfield line. An ICC hearing will probably be held shortly. Although of relatively low rank with respect to other coastal concerns, rail and all modes of transportation are key to the coast's economic future. Improvements in multi-mode transportation are also key to preventing over dependency on one mode during tourism peaks. Energy conservation, and providing people with options other than automobile travel are other reasons for a multi-model approach.
	Assistance in transportation related environmental impact statement preparation is of high priority to the NWRPC also (4th). ^{1/} Amtrack expansion ranked 10, while special projects such as rustic roads and bikeways are of low priority at 17. ^{1/}

Rank	Issue, Problem or Concern
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18.	(CONTINUED)
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	In Superior there is need for a new Arrowhead Bridge. The Missing Link Waterway to the Mississippi is still discussed by some. Over-the-road truck service complexes with sampling, weighing, and dispatching areas are needed to serve Superior grain elevators. ^{6/}
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OTHER CONCERNS NOT RANKED BY THE NWRPC COASTAL ADVISORY COUNCIL

INDUSTRIAL DEVELOPMENT

Industrial development is heavily favored in Ashland, Bayfield, and Douglas counties by 70-90 percent of respondents to a recent survey.^{2/} Air and water polluting industries are heavily opposed by 55-75 percent of the respondents, but 20-30 percent favor them. Non-polluting industrial development is heavily favored by 80-95 percent of the three counties surveyed.^{2/}

Local economic problems stand out as the primary community concerns, lack of public services ranks second.

Working with local industrial development corporations on recruiting ranked high with the NWRPC (6th).^{1/}

LAKE SUPERIOR FISHERY

In the Superior/Duluth metro area the feasibility of increasing game and commercial fish populations in the St. Louis Bay by improving fish spawning areas needs to be determined.^{3/}

The recent temporary closure of the Apostle Islands fishery by the Wisconsin Department of Natural Resources is supported as a necessary temporary measure as evidenced by recent DNR hearings. However, the uncertainty of a longer term closure, the health and size of the fishery remain as a lingering concern.

LAND USE INFORMATION NEEDS

- Accelerate Soil Surveys

A NWRPC soil scientist is presently funded by the Wisconsin Coastal Management Program. However, many man-years of mapping remain to be done. Expanded Coastal Management Program funding and/or reordering of state priorities are possible ways to accelerate this effort.^{1/}

- Complete 1:24,000 topographic mapping on an accelerated basis in the Lake Superior Basin.^{1/}
- Undertake mineral resource mapping.^{1/}

WATER QUALITY AND WATER RESOURCES PROBLEMS

Considerable work in this area has been completed in the NWRPC Lake Superior Basin Water Quality Management Plan and the Corps of Engineers Urban Studies Program.

Water pollution is a concern in Douglas County, but of far lower concern in Bayfield County. Douglas County's proximity to the Reserve Mining operation and Bayfield County's remoteness tend to explain this. However, there is a degree of public concern about waterborne asbestos-form fibers in the waters adjoining all the counties. Precise documentation of levels would clarify this issue.

Other specific needs are:

- Determine alternative treatment processes and costs of upgrading of municipal waste discharges to meet P.L. 92-500, 1983 requirements and 1985 goals.^{3/}
- Assistance for disposal of greater quantities of sludge from waste water treatment plants.^{3/}
- Correct infiltration/inflow into sanitary sewer systems in all communities ^{3/} (All will have completed infiltration/inflow studies shortly).
- Provide assistance to remedy inadequate municipal water supply in Hurley.^{3/} (Alternative solutions are in draft form.)
- Floodplain delineation along watercourses tributary to Lake Superior, determine priority areas for delineation and identify flood hazard areas. Flooding occurs periodically on:^{1/}
 - Nemadji River in Superior
 - St. Louis River and Bay in Superior
 - Bad River at Mellen and Odanah, Ashland County
 - Cemetery Ravine, Bayfield
 - Montreal River at Hurley
- In Chequamegon Bay assemble limnological and hydrologic data. Perform water quality sampling to develop baseline water quality and limnological relationships within the bay.^{4/}
- Perform additional monitoring as needed on the 5 streams in the Basin that do not always meet water quality standards. Standards are not being met below point discharges in:^{1/}
 - Bear Creek & Bardon Creek, Douglas County
 - Bibon Lake Tributary, Boyd Creek, Bayfield County
 - Demonie Creek, Ashland County

- Develop a water related information system in the Superior/Duluth metro area to assist in coordination of agencies in a non-political fashion.^{3/}
- St. Louis Bay and St. Louis River bottom sludge deposits need to be removed or neutralized. Examine the feasibility of removal of sludge including methods and disposal techniques.^{3/}
- Examine obstruction and alteration of natural drainage courses in Superior. Examine the interrelationships between governmental units regarding proper functioning of these drainage courses. Specific problem area identification, development of alternative plans, programs, or policy solutions are needed. Determine hydrologic characteristics, develop drainage standards for pollutants and developments.^{3/}

REFERENCES

1. Northwest Regional Planning Commission, A Strategy for Water Quality Management in the Lake Superior Basin-Wisconsin (Non-metropolitan portion), 1974.
2. Wilkening, Eugene, Quality of Life and Development in Northwestern Wisconsin, University of Wisconsin-Madison, Department of Rural Sociology - January, 1976. A 1973-1974 survey of 1,400 residents or approximately 150 residents per county in Northwest Wisconsin. Ashland, Bayfield, and Douglas counties were surveyed. Iron County was not.
3. Avery, Gene & Associates, Water Resource Related Problems in the Duluth/Superior Urban Study Area, 1974.
4. Northwest Regional Planning Commission, Preliminary Identification of Water Resource Related Problems, Issues, or Opportunities in the Lake Superior Basin - Wisconsin, January 7, 1974.
5. Center for Lake Superior Environmental Studies - University of Wisconsin-Superior; Superior League of Women Voters. Survey to Help our International Port Superior Harbor Assessment and Public Education (SHIPSHAPE), July, 1975. Among the efforts were 5 slide presentations given to dozens of Superior service and interest groups. Questionnaires on each topic were completed by 100 to 500 persons for each topic.
6. Northwest Regional Planning Commission, Overall Economic Development Plan, January, 1973.
7. Northwest Regional Planning Commission Planning Summary, September, 1975. Eighteen priority program areas established by the NWRPC.

STATUS REPORT
OF THE
COASTAL ISSUES, CONCERNS AND APPROPRIATE USES
IN
SOUTHEASTERN WISCONSIN

I. Priority Listing of Issues, Concerns and Uses of Coastal Areas

The Southeastern Wisconsin Regional Planning Commission's Technical and Citizen Advisory Committee on Coastal Management in Southeastern Wisconsin in a letter dated July 3, 1975 formally communicated to the State Coordinating and Advisory Council that the erosion of the Lake Michigan shoreline is the single most important problem of the coastal area in the southeastern Wisconsin Region and, therefore, one which should receive high priority for study and sufficient funding to permit a technically competent approach leading to sound conclusions and recommendations. Public concern over erosion was also expressed at public hearings held by the Corps of Engineers on "A Preliminary Feasibility Study of Shoreland Erosion Problems of Milwaukee County, Wisconsin" in May 1975. Several citizens and public officials expressed the opinion that multi-agency planning could help in reducing the damage and loss of both public and private shoreline due to erosion.

In reviewing the "Public Access to the Great Lakes" policy study, the Technical and Citizen Advisory Committee members indicated that harbors of refuge was another major concern in the region and for example, there are not any such harbors between the City of Milwaukee and the City of Sheboygan, a distance of about 56 miles. This becomes an especially crucial problem in times of storms or strong winds. Mayor Stacker of the City of Port Washington and a member of the Technical and Citizen Advisory Committee has taken an

active role in seeking harbor improvements for Port Washington to make it a safe harbor in times of rough weather on the lake. In a related concern, it was pointed out by some members of the Technical and Citizen Advisory Committee when reviewing the policy study "Wisconsin's Great Lakes Ports: Background and Future Alternatives" that some of the smaller ports are being used more and more by small boats and that these smaller ports may have a more significant role in accommodating recreational boating.

A local public informational meeting on the Wisconsin Coastal Management Program was called by Mayor Leisle, a member of the Technical and Citizen Advisory Committee, in the City of Mequon on April 28, 1976. With regards to the issue of additional public access, members of the audience expressed concern regarding the provision of access to Lake Michigan in the Mequon area. The expressed primary reasons for the concern are that 1) the bluffs on Mequon's coastal shoreline range in height from 80 to 120 feet; 2) there is usually a very narrow beach or no beach area as a result of bluff slumping; 3) the access areas are poor due to severe bluff slumping; 4) there is a danger to human safety due to the slumping; and 5) there would be high costs in continual efforts to maintain the access areas from erosion damage. Based on the foregoing information, comments, and concerns, the following priority listing of coastal issues, concerns and uses was developed:

A. Perception of the Coastal Issues

1. Erosion of Lake Michigan Shoreline
2. Small Boat Harbors (harbors of refuge)
3. Public Access to Lake Michigan

B. Areas of Particular Concern

1. Erosion Hazard Areas Along Lake Michigan
2. Harbors of Refuge

C. Appropriate Shore Uses

1. Parks, Recreation and Open Space
2. Lake-related Uses

It should be noted that the Lake Michigan shoreline of the southeastern Wisconsin Region, is about 80 percent urban development, that is committed to residential, commercial, industrial, transportation and utility, recreational and institutional uses.

II. Identification of Procedure Used to Gather the Information

In accordance with its established practice, pursuant to Section 66.945 (7) of the Wisconsin Statutes, the Southeastern Wisconsin Regional Planning Commission created a Technical and Citizen Advisory Committee on Coastal Management in Southeastern Wisconsin in March 1975 comprised of 27 persons with particular training and/or interests in coastal related problems. The members represent various local governments, higher education at institutions, citizen groups, and businesses. At the June 19, 1975 meeting the Committee indicated that the Coastal Management Program was primarily a state program and the function and responsibilities of the Committee was to monitor the program and review and comment on studies or recommendations made as a part of the state program. As a part of these responsibilities, the committee would have a major role in directing and shaping a state coastal management program as it relates to southeastern Wisconsin.

As indicated in Section I of this report the members of the Technical and Citizen Advisory Committee have taken a concerned interest in the Wisconsin Coastal Management Development Program and have indicated what they and their constituents consider to be major coastal issues and concerns in southeastern Wisconsin.

Information on issues and concerns was also gathered through the news media and other agency sponsored meetings such as the Corps of Engineers' public hearings. Public views on appropriate land uses have been solicited at two region-wide SEWRPC conferences and five local public information meetings held for the purposes of obtaining public review and reaction to the major findings and recommendations of the land use-transportation reevaluation for the year 2000. Additional meetings are to be held on the subregional level to obtain review and comment from local government officials and concerned citizens. The recommended regional land use plan and transportation plan will be developed based on public input for presentation at a third regional planning conference tentatively scheduled for the spring of 1977.

III. Summary Statement Concerning the Listing of Issues and the Value of the Perception of the Issues to the Regional Planning Commission

The issues and concerns as previously listed were derived based on the Technical and Citizen Advisory Committee's review and discussion of the policy studies undertaken in the Wisconsin Coastal Management Development Program, from information gathered at locally sponsored meetings, from data reported as a part of local projects, and from citizen and technical input solicited at other agency sponsored public meetings. The value of identifying the issues and concerns of the people residing in the coastal areas at the four southeastern Wisconsin counties lies in assisting in determination of appropriate land uses along the coastal shoreline and in focusing attention to specific problem areas.



BIBLIOGRAPHY OF WISCONSIN COASTAL MANAGEMENT
PROGRAM PUBLICATIONS, May, 1974 - current

I. Background Information

A. Bibliographies

Wisconsin Coastal Zone Management Development Program List of Current and Near-Term Future Publications, June, 1976.

Annotated collection of all materials funded by the Wisconsin Coastal Management Program as well as grant applications, progress reports and council reports. (Superseded by this bibliography).

Shore Erosion: A Bibliography, 1976, Geological and Natural History Survey, Department of Natural Resources, 1976.

Annotated bibliography of shore erosion and related physical materials concerning Wisconsin's Great Lakes coastal areas. (See also Shore Erosion: A Study Plan).

Annotated Bibliography of Geological, Hydrologic, Soils, and Climatological Information for Wisconsin's Great Lakes Coastal Zone Counties, James Stark, University of Wisconsin-Extension, Geological and Natural History Survey, 1975. Available at major University of Wisconsin libraries.

Collection of available sources of information on subjects relevant to shore erosion considerations, arranged by subject area.

Annotated Bibliography of Water Quality Information--Wisconsin Great Lakes and Tributary Streams, Wisconsin Department of Natural Resources, August, 1975.

Collected annotations of available primary and secondary sources of information on water quality. Includes maps showing representative information for specific locations and the annotated bibliographies of materials for each area.

B. Data Base Studies

CRIP Summary Report, Critical Resources Information Program, Environmental Monitoring and Data Acquisition Group, University of Wisconsin, Madison, Judy Chi, ed., April, 1974.

Short description of the CRIP program, outlining the state's first steps in critical resource management. Includes short descriptions of methodology to be used in inventorying and evaluating the criticality of state resources.

County Workshop Reports, Critical Resources Information Program, Environmental Monitoring and Data Acquisition Group, University of Wisconsin, Madison.

Nine summaries of county-level workshops which involved county agents, CRIP investigators, and expert local citizens in assessing subjectively what they felt were the most important and sensitive resources in each county. Counties include: *Bayfield, Crawford, *Douglas, Juneau,

*Kenosha, *Kewaunee, *Oconto, *Ozaukee, and Waukesha. (*coastal counties)

Review Drafts of Citizen-Based Resource Inventories in Four Coastal Counties: Iron, Manitowoc, Brown and Door (1975-1976), Wisconsin Heritage Areas Program, University of Wisconsin-Extension, DRAFT: December, 1976.

(FINAL: Spring or Summer, 1977).

Inventories of critical resources, produced at Heritage Areas Citizens' Workshops, 1975-1976.

Coastal Imagery--An Interim Report, Wisconsin Department of Natural Resources, November, 1974. Not available.

An index of available aerial photographs and other remote sensing imagery of the Wisconsin Great Lakes shorelines. Report is a printout of the coded information by Regional Planning Commission area, county, and date of imagery.

1975 Inventory of Coastal Imagery--A Continuing Report, Wisconsin Department of Natural Resources, 1975.

Inventory represents a major overhaul of the initial effort, Coastal Imagery--An Interim Report. Approximately 325 old entries were deleted or corrected and 300 new entries were added. Totals in excess of 700 entries.

Natural Area Inventory, Scientific Areas Preservation Council, Department of Natural Resources, 1976.

Natural area inventory of the Wisconsin coasts along Lakes Michigan and Superior is one of a continuing series of state inventories on this subject.

Fish and Wildlife Habitat: Great Lakes, 1976, Wisconsin Department of Natural Resources, 1976.

Area inventory of fish and wildlife habitat in coastal townships of Lakes Michigan and Superior in Wisconsin. This inventory is part of a state-wide inventory.

Lake Bed Grants: Great Lakes/1976, Wisconsin Department of Natural Resources, May, 1977.

Excerpts from Wisconsin Session Law, listing lake bed grants. Also includes maps of grant areas.

Preliminary Historic Structures Survey Wisconsin's Great Lakes Counties, State Historical Society of Wisconsin, State Historic Preservation Office, FIRST EDITION: May, 1976.

Based upon the results of extensive field survey carried on during the summer of 1975, this survey identified over 2,400 sites of historic or architectural interest in the coastal area.

Shore Erosion Study Technical Report, Dave Mickelson, Geological and Natural History Survey, University of Wisconsin-Extension, February, 1977.

Appendix 1 - 8, under separate covers.

Report includes detailed information on shoreline erosion within coastal counties in Wisconsin and appendices. (See also Shore Erosion: A Study Plan).

C. Map Collections

Map collections are available for viewing at Department of Natural Resources and Office of State Planning and Energy, DOA, Madison, Wisconsin.

Maps of Soil Surveys in the Northwest Area, John Gilner, under direction of Northwest Regional Planning Commission and Soil Conservation Service, USDA. Available at NWRPC and SCS, Ashland, Wisconsin.

Coastal Area Atlas, Wisconsin Coastal Management Program. Due: summer, 1977.

Data inventories of land use, land ownership, zoning, historic sites, natural areas, wildlife habitat compiled into an atlas for popular use. Format depicts the interrelationship of various inventories to each other and to the shore resource.

Air Photos of all 15 coastal counties - available at Regional Planning Commissions.

II. Great Lakes Issues

A. Commercial Ports

Wisconsin's Great Lakes Ports: Background and Future Alternatives, Harold M. Mayer, for the Wisconsin Department of Transportation, May, 1976.

Report presents overview of present situation, recent trends and general prospects for Great Lakes commercial shipping and ports, with special reference to Wisconsin. Considers direct overseas traffic through the St. Lawrence Seaway, internal domestic and U.S. - Canadian traffic and traffic across Lake Michigan. Second year final report includes a summary of the first year report, a policy-issue section and responses to public comments on the first draft.

Wisconsin's Great Lakes Ports: Alternative State Policy Options, Wisconsin Department of Transportation, Madison, September, 1976.

Policies relating to the Wisconsin Great Lakes commercial ports are primary subject of report; includes also some background information and some discussion of smaller, recreational ports.

B. Lake Levels and Shore Erosion

Analysis of the Great Lakes Water Levels Report of the International Joint Commission, Water Resources Management Program Workshop, UW - Madison, Summary Report, September, 1976.

Workshop was held to evaluate the data, analytical methods and conclusions of the IJC report. Five major topic areas include the following:

Hydrology, September, 1976

Shoreline Property and Recreation, September, 1976

Wetlands, Fisheries and Water Quality, October, 1976

Institutions, October, 1976

Navigation, January, 1977

Great Lakes Shore Erosion Protection: A General Review with Case Studies, S. N. Hanson, J. S. Perry and W. Wallace, Owen Ayres and Associates, Wausau, WI, June, 1977.

Report to familiarize shoreline property owners with the common methods of shore protection in general use, the general processes involved with their function, and examples of their implementation. Also provides general design guidelines for engineers who may not be familiar with shoreline processes.

"Recent Developments With Regard to Great Lakes Water Levels" memo from Stephen M. Born, Director, Office of State Planning and Energy, Madison, January 4, 1977.

Attachments include Born/Carl Runge notes on status of regulating Great Lakes Water Levels, extended regulation, compensation for property owners and state participation on future Great Lakes regulatory boards. (dated November 24, 1976).

Shore Erosion: A Study Plan, 1976, Wisconsin Department of Natural Resources, December, 1975.

Plan describes public involvement, policy analyses and technical studies, including basic inventories and specific analytical studies on shore erosion areas, protective structures and lake levels. (See also Shore Erosion: A Bibliography and Shore Erosion Study Technical Report).

Some Non-Structural Alternatives for the Reduction of Shore Damages, Wisconsin Department of Natural Resources, May, 1977.

Report provides alternatives to the structural armoring of the Great Lakes shoreline, with a range of techniques by which the likelihood of erosion damages can be taken into account in development proposals. Some means of relief to protect current investments in areas subject to erosion damage are also provided.

Ordinary High Watermark Great Lakes/1976, Anne C. Weinberg and Michael T. Neuman, Department of Natural Resources, February, 1977.

This study evaluated the adequacy of Wisconsin's approach to identify the boundary separating private land and the beds of lakes held in trust for the public by the state. Methods used to identify OHWMs by the U.S. Army Corps of Engineers and other Great Lakes states were also evaluated.

Delineating Great Lakes Shorelines, Kent S. Butler and Earl F. Epstein, Lake Superior Project Center for Demographic Analysis in cooperation with Cadastre Project, Environmental Monitoring and Data Acquisition Group, Institute for Environmental Studies, UW - Madison, February, 1977.

The authors propose that Wisconsin define the jurisdictional boundaries by high-water elevations derived from long-term records of water levels. Physical and legal problems of delineating Great Lakes shorelines are analyzed; traditional determination by "ordinary high-water marks" is discussed.

C. Land Use

Capabilities of County Land Regulation Programs in the Wisconsin Coastal Area, Richard Lehman, Paul Mueller, Paul VanBerkel, Institute of Governmental Affairs, December, 1976.

An extensive survey, conducted by mail and personal interviews, of county and local land use and zoning administrators in the unincorporated areas of the coastal zone. Evaluates the status of local ordinances and how they are administered.

Nonregulatory Techniques for Urban Growth Management in Wisconsin, David Owens, Gail Kalson, Steve Schaeffer, Office of State Planning and Energy, August, 1977.

An examination of the use of public investments, public acquisition of rights in land, taxation, transferable development rights, and development moratoria for the purpose of guiding urban development.

Urban Land Use and Coastal Management Programs in Wisconsin Coastal Municipalities, David Owens, Michele Rothenberg, Office of State Planning and Energy, September, 1977.

An extensive survey, using data collected by coastal regional planning commissions, of city and village land use programs, with a particular emphasis on coastal management. Evaluates the content of ordinances, their administration, and needs for improvement.

D. Power Plant Siting

Local Economic Impacts of Power Plant Siting in Wisconsin, Public Service Commission. December, 1975, Power Plant Displacability, first draft June, 1976. Not available.

An examination of the economic and social impacts of present and probable future power plant sites in the coastal areas, projected from state-wide studies. The second phase report concerns displacement of power plants from the coastal zone.

Energy Facility Siting in the Great Lakes Coastal Zone: Analysis and Policy Options, Great Lakes Basin Commission Standing Committee on Coastal Zone Management, Spring, 1977.

Report on four-month study on the coastal dependence of energy facilities and options for their siting in or near the shore zone. Report responds to information needs of coastal management programs of Great Lakes states, after state representatives expressed need for the study through the Great Lakes Basin Commission Standing Committee on Coastal Zone Management.

E. Recreation

Economic Impact and Needs of Wisconsin's Great Lakes Boaters, Ayse Somersan, Recreation Resources Center, University of Wisconsin - Extension, Madison, July, 1976.

Report focuses on boating and fishing. Major objective is to identify the dependency between Great Lakes boaters and the economy of coastal communities. It also identifies socioeconomic profile of Great Lakes ramp users and summarizes boaters' needs and preferences for facilities and services.

Large Recreational Home Developments in Wisconsin's Coastal Zone, Major Author--Charles Prentice, Recreation Resources Center, University of Wisconsin-Extension, Madison, November, 1976.

Study focuses on relatively large-scale recreational home complexes which offer amenities (marinas, golf courses). Study of shoreline subdivisions, summary of most significant problems and suggests new techniques and policies needed to avoid unnecessary losses for developers and adverse impacts for the public and the environment.

Economic Impact of Recreation-Tourism, Raymond W. Mueller and Michael A. Sharpe, Department of Business Development, Madison, DRAFT: May, 1976.

Report is result of reviewing monthly sales and trends in each coastal county and at the state level. Sales areas: lodging, eating and drinking, amusement, gasoline service, food stores and others are used as indicators of the economic impact of recreation-tourism on Wisconsin and the coastal counties.

Demand and Supply of Recreation in Wisconsin's Coastal Counties, Ayse Somersan, Recreation Resources Center, UW-Extension and Michael Neuman, Department of Natural Resources, February, 1977.

Projected resident and non-resident demands for 1980, 1985 and 1990 for boating, swimming, fishing, hiking, camping and sightseeing. Updated recreational facility inventories, together with capacity of facilities and inventory of support facilities in coastal counties.

Summary of Recreational Impact Policies, James J. Baxter, Comprehensive Planning Services, Inc., DRAFT: June, 1976.

Summarizes policy implications of other WCMP studies on recreation, organized under accommodating the users; economic impacts of recreation-tourism; and social impacts of recreation-tourism on coastal communities.

Public Access Policy Study, Department of Natural Resources, May, 1976.

Analysis of availability of access points for use of Great Lakes, existing state policies for provision of access points, and sources of assistance for their provision; regional aspects of access needs and alternative policies for providing access.

Community Sailing Program, Preliminary Report, John Wypp, The Young Women's Christian Association of Greater Milwaukee, November, 1976.

Report on phase one (summer-fall, 1976) demonstration project to provide recreational opportunities to low-income minorities in Greater Milwaukee.

III. Public Participation and Information Materials

A. General Public Information

Coastal Zone Management in Wisconsin, August, 1974.

Brief brochure for wide public dissemination, explaining the major Great Lakes issues and asking for public involvement in evaluating the need for a coastal zone program.

Coastal Management...What Is It? Citizens Advisory Committee to the Wisconsin Coastal Management Program, August, 1976.

Series of fact sheets on coastal management and coastal issues: recreation-tourism, lake levels, public access, commercial ports, power plant siting and shore erosion. Includes studies and resources. For wide public distribution.

The Federal Act: A Collection of Materials on the Act and its Implications for Wisconsin, Citizens Advisory Committee to the Wisconsin Coastal Program, December, 1976.

Report includes a synopsis of the Act, its 1976 amendments, its implications for Wisconsin, and funding sources for Wisconsin. Reference document suitable for public use.

Our Great Lakes, University of Wisconsin Sea Grant College Program, September, 1973 (WIS-SG-73-114)

A brief booklet for lay audiences on Great Lakes history and current issues. Topics covered are geological and political history of the Great Lakes drainage area; commercial shipping; the St. Lawrence Seaway; commercial and recreational fishing, boating, swimming and other forms of recreation; pollution; erosion; the need for management of the lakes; and the institutional arrangements then currently involved in Great Lakes management.

The Coasts of Wisconsin, James Napoli, UW Sea Grant and WCMDP, March, 1975.

Report written in popular language explaining the evolving need and arrangements for managing Wisconsin's Great Lakes Coasts. Details the physical characteristics, history and development, current uses and problems of Lake Superior and Lake Michigan. With illustrations.

Wisconsin Coastal History Trails--Lake Superior, Jim Purinton, State Planning Office, May, 1976.

Wisconsin Coastal History Trails--Lake Michigan, Jim Purinton, State Planning Office, May, 1976.

Two illustrated guidebooks written for hikers, bikers, and water recreationists, to stimulate interest in Wisconsin's cultural heritage along the Great Lakes coasts. Describes historic and scenic sites. Includes information on suggested routes, camping facilities, and sources of further information. For wide public distribution.

ETN Speech--Coastal Zone Management in Wisconsin, Stephen M. Born, November, 1974.

Lecture delivered over the Educational Television Network of the University of Wisconsin Extension. Covers coastal zone management regulations and Wisconsin's grant application, Wisconsin's coastal area geography, agencies involved in the program, the unique features of the Wisconsin program, what has happened thus far, and the value of the program to the state.

"Wisconsin: Coastal Management in a Great Lakes State," by Stephen M. Born, Environmental Comment, the Urban Land Institute, Washington, D. C., November, 1976.

Article includes Great Lakes coastal area issues, organization and development of a Wisconsin coastal management plan and demonstration projects.

Coastal Program Report, Jim Purinton, University of Wisconsin-Extension, January 13, 1977 and February 7, 1977. Occasional basis.

Periodical newsletter, directed to UWEX Community Faculty on events and developments of the coastal program.

B. Council/Committee Materials

"Minutes: Wisconsin Coastal Coordinating and Advisory Council Meeting," Wisconsin Coastal Coordinating and Advisory Council, January 8, 1975 - current.

Complete records of Council meeting sessions, eight sessions per year since inception.

"Minutes: Citizens Advisory Committee to the Wisconsin Coastal Management Program," Citizens Advisory Committee to the Wisconsin Coastal Management Program, April 23, 1975 - current.

The Citizens Advisory Committee: Past, Present and Future, Citizens Advisory Committee to the Wisconsin Coastal Program, September, 1976.

Revision of role of the Committee, summary of accomplishments, examination of needs and an outline of goals.

Summary Report on the Effort to Expand the Citizens Advisory Committee, June - December, 1976, Citizens Advisory Committee to the Wisconsin Coastal Program, December 21, 1976.

Report summarizes an effort to enlarge its membership to better represent the many public interests in the development and review of a proposed coastal management program in Wisconsin.

Advisory Reports on Public Participation and Information, Citizens Advisory Committee to the Wisconsin Coastal Program, May and November, 1976.

Concerns are initial considerations and recommendations on public involvement efforts.

A Report on Local Perception of Issues of Concern to Citizens of Wisconsin's Coastal Counties, prepared by Bay-Lake Regional Planning Commission, South-eastern Wisconsin Regional Planning Commission, Northwest Regional Planning Commission, July, 1976.

Each of the three coastal regional planning commissions prepared reports of public opinion on issues and areas of particular concern in its own coastal area. Sources included questionnaires and surveys, locally sponsored meetings, and local project data among others.

Evaluation of Public Participation in the Wisconsin Coastal Management Program, 1974 to May, 1976, Opinion Research Associates, Inc., Madison, August, 1976.

Report includes comments and recommendations on policy and structure, public information and information services. Study based on telephone survey of elected public officials, a mailed survey, direct observation of meetings, and analysis of sample publications.

Coastal Concerns: A Summary of Public Comments on Coastal Issues, May 1977.

Summary of comments from two rounds of public meetings, June-July, 1976 with local elected officials and September-October 1976, with the general public. These comments were used in drafting the Coastal Management Program Proposal.

Coastal Survey: Analysis of Public Comments on the Coastal Management Questionnaire, April, 1977.

Reports and discusses results of survey undertaken in the Fall of 1976. Questionnaires distributed through newspapers, at coastal informational meetings and made available upon request. Questions were aimed at eliciting a response to general areas of potential interest to the Coastal Management Program. Includes analysis of more than 1500 questionnaires.

A Task Group Investigation of the Processes Required to Determine Permissible Uses of Resources in the Coastal Zone, J. L. Clapp, Principal Investigator, Institute for Environmental Studies, UW-Madison, February, 1976.

Report for Coordinating and Advisory Council on program boundaries, areas, appropriate uses and review process.

Responses to Coastal Management Program Proposal: Report 1 - Public Hearing Summaries Formal Record, May 10 - June 16, 1977 (Close of Hearing Record), Wisconsin Coastal Coordinating and Advisory Council, Madison.

First of three reports on the spring 1977 public review of the Coastal Management Program Proposal. Report 1 includes formal hearing summaries and written statements handed in to the hearing secretary during 11 public hearings. Newspaper clippings are also included.

Responses to Coastal Management Program Proposal: Report 2 - Public Hearing Analysis, June 27, 1977, Wisconsin Coastal Coordinating and Advisory Council, Madison.

Second of three reports on the spring 1977 public review of the Coastal Management Program Proposal. Report is an analysis of the hearing record of the 11 public hearings.

Responses to Coastal Management Program Proposal: Report 3 - Questionnaire and Other Mail-in Comments on the Proposal, Final, June 24, 1977, Wisconsin Coastal Coordinating and Advisory Council, Madison.

Third of three reports on the spring 1977 public review of the Coastal Management Program Proposal. Report 3 includes an analysis of 163 questionnaire responses and analyses and copies of resolutions supporting or opposing the program, comments from federal and state agency contacts, and other comments received.

Current Events Monitor, Issued on an occasional basis to August, 1976, Not available.

Each issue contains brief descriptions of ongoing or proposed projects and activities in the fifteen coastal counties in Wisconsin or activities which might impact the coastal areas. Used as a resource for the Wisconsin Coastal Zone Coordinating and Advisory Council as a public information publication. Last issue August, 1976.

Coastal Gazette, Issued approximately every six weeks. Current issues available.

All issues currently available. Consists of news clippings from around the state, by relevant coastal topics. Uses same as for Current Events Monitor.

IV. Program Development

A. Grant Applications

Wisconsin Coastal Zone Management Development Program Initial Grant Application, May, 1974.

Summarizes the status of coastal-related activities at the time, the issues as initially perceived, and the proposed first-year work program as it related to the requirements of the Coastal Zone Management Act. Grant Period: June, 1974 - August 31, 1975.

Wisconsin Coastal Zone Management Development Program Second Year Grant Application, April, 1975.

In addition to outlining the second-year work program and its relation to the Coastal Zone Management Act, it summarizes the first-year efforts and includes the third-quarter performance report. Includes Appendices explaining program element efforts. Grant Period: June 1, 1975- May 31, 1976.

Wisconsin Coastal Management Development Program Second Year Grant Application Supplement, May, 1976.

Wisconsin's request for a four month supplement to develop a framework for a coastal management program and to encourage public discussion of the future of the Great Lakes during Great Lakes Awareness Month (September, 1976). Grant period: June 1 - September 30, 1976.

Wisconsin Coastal Management Development Program Third Year Grant Application, September, 1976.

Outlines the third year work program and includes a chart summarizing 1974-76 work efforts. Grant Period: October 1, 1976 - September 30, 1977.

B. Performance Reports

Wisconsin Coastal Management Development Program Quarterly Reports, Issued Quarterly. Current report available.

These reports on work accomplished during each quarter are a condition for receipt of federal funds.

Wisconsin Coastal Zone Management Development Program First Year Report, August, 1975.

Summarizes the progress during the first year of the program, effort by effort. Functions also as the fourth quarterly performance report.

Wisconsin Coastal Management Program Supplemental Grant Period Performance Report and Annual Report, October, 1976.

Summarizes the progress during both the second year and the supplemental grant period of the program. Functions also as the supplemental grant period performance report. Grant Period: June 1, 1976 - September 30, 1976.

C. Program Proposal Papers

Framework for a Potential Wisconsin Coastal Management Program, Wisconsin Coastal Coordinating and Advisory Council, November, 1976.

Report consists of Council position statements on subject matter and organization of a potential coastal program in Wisconsin, as well as "coastal area" boundary statements. Detailed appendices are included.

Working Paper #1: Program Subject Matter and Boundaries, Wisconsin Coastal Coordinating and Advisory Council, November, 1976.

Working paper provides specifics on the basic scope of a potential Wisconsin Coastal Management Program. Working paper submitted for

regional technical and public review prior to formal Council consideration of a Draft Program Proposal in February, 1977. Adopted in principle by the Council on November 4-5, 1976 in Madison, Wisconsin.

Working Paper #2: State Level Organization for Program Implementation, Wisconsin Coastal Coordinating and Advisory Council, December, 1976.

Working paper outlines specific recommendations on state level organization for implementation of a potential Wisconsin Coastal Management Program. Submitted for regional technical and public review prior to formal Council consideration of a Draft Program Proposal in February, 1977.

Working Paper #3: Goals, Wisconsin Coastal Coordinating and Advisory Council, January, 1977.

Working paper identifies an overall goal and nine state goals to direct the proposed Wisconsin Coastal Management Program. Submitted for regional technical and public review prior to formal Council consideration of a Draft Program Proposal in February, 1977. Adopted in principle by the Council January 6, 1977 in Madison, Wisconsin.

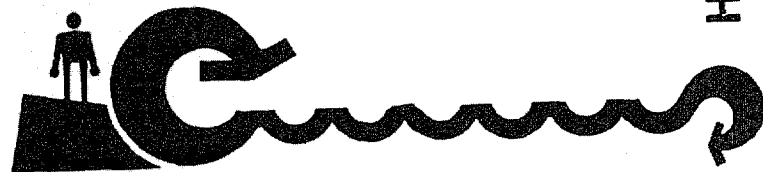
Working Paper #4: Program Funding, Wisconsin Coastal Coordinating and Advisory Council, January, 1977.

Paper identifies the sources of financial assistance authorized by Congress, the eligible activities and recipients under a potential Wisconsin program and the criteria for application and review of project proposals. Submitted for regional technical and public review prior to formal Council consideration of a Draft Program Proposal in February, 1977.

A Wisconsin Coastal Management Program Proposal, Wisconsin Coastal Coordinating and Advisory Council, PRELIMINARY DRAFT: February, 1977.

Complete program proposal for a potential coastal management program in Wisconsin includes specifics from working papers 1-4, and extensive technical appendices. Submitted for adoption by the Council in February, 1977. Submitted for review and comment at public hearings, late spring, 1977.

H. LEGAL AUTHORITY FOR IMPLEMENTATION



APPENDIX H

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Appendix H
LEGAL AUTHORITY FOR PROGRAM IMPLEMENTATION

I. Overview

This appendix summarizes the management techniques that will be used for coastal management in Wisconsin.

The first section deals with actual management of coastal resources and development. It is important to remember that under this program actual implementing responsibilities remain with the existing agencies. The new Coastal Management Council (or lead agency) will coordinate these activities and work to assure their consistent enforcement. It will provide assistance to improve the management activities, but it will not take them over.

The second section details the legal issues involved in creating a new Coastal Management Council and assuring that other state agencies will cooperate and act consistently with state coastal policies.

II. Managing Coastal Resources and Development

A. Management of Geographic Areas of Management Concern

Section II B of the Coastal Management Program Proposal discusses the concept of improving coastal management in Wisconsin by identifying and designating key geographic areas and focusing management attention on these areas.

A detailed process is set out in the proposal for identifying these areas and establishing management policies for them. Basically, the managing agency, which can be a state or local agency, formally nominates a specific geographic area for designation, identifies the management policy for the area, and agrees to carry out that policy if designation is made. After designation coastal program funds may be made available to implement the stated management policies for the areas.

While no specific areas will be designated until after the Governor decides on whether there will be a coastal program in Wisconsin, examples of general management policies for several types of areas are set out in this section to provide reviewers with a sense of what existing management policies are. These statements are examples of management policies only. They are not management policies proposed for coastal management program endorsement.

Also, the examples given below for the most part focus on areas managed by the state for recreational and environmental purposes. Reviewers should keep in mind that the areas of management concern eventually designated will also reflect local government management concerns as well as those of state agencies. Further, the full range of coastal concerns -- economic, cultural, social, and others, in addition to recreational and environmental -- will be reflected in the designations and resultant increased management attention. So the policies set out in this section should be reviewed as being illustrative only. The types of areas below may or may not eventually be designated and other types of areas will likely be added.

1. State Parks

The purpose of the state parks, as stated in Section 27.01, Wisconsin Statutes, is "to provide areas for public recreation and for public education in conservation and nature study."

The state parks are managed under the provisions of Wisconsin Administrative Code Chapter NR 45. These rules primarily pertain to the conduct of visitors to the state parks, state forests and other properties

under the jurisdiction of the Department of Natural Resources. Specific management policies will be included in a master plan for each state park. Master plans for all state parks in the coastal counties are scheduled for completion by 1979. All state parks are game refuges. However, deer hunting is selectively allowed for game management purposes only and no other hunting is allowed.

2. State Forests

The management purpose for state forests, as defined in Section 28.04, Wisconsin Statutes, is that "the primary use of forests is silviculture and the growing of recurring forest crops, with scenic values, outdoor recreation, public hunting and stabilization of stream flow as extra benefits." However, Section 28.04 also states that "full recognition must be given to the principle of multiple use, including designation of special use tracts ranging from natural areas receiving a high degree of protection to recreation sites with appropriate facilities." The Natural Resources Board can designate state forests for preservation or recreation.

3. State Wildlife Areas

The primary purpose of state wildlife areas as defined by Section 23.09(2)(d)3., Wisconsin Statutes, is to provide "areas in which any citizen may hunt, trap or fish." The Natural Resources Board policy for the management of state wildlife areas went through public hearing and was submitted to the Board and approved in February 1977. Section NR 1.51 of the rules states that "wildlife habitat needs and public hunting objectives shall receive major consideration in management planning for wildlife areas; however, fishery, forestry, wild resources and nonconsumptive recreational objectives will be accommodated when they do not detract significantly from the primary objective." Techniques for achieving these objectives include habitat management, harvest regulations, stocking, transplanting, damage and disease control, research and surveys. Specific management policies will be included in a master plan for each area. Master plans for all of the coastal counties should be completed by 1982.

4. State Fish Management Areas

A revised policy for the management of fish and related aquatic resources will be submitted to the Natural Resources Board in March 1977 for approval to hold public hearings. Section NR 1.01 of the proposed rules states the purpose of fish management is to "use but not overuse, assure protection and perpetuation of all species,

foster and promote the preservation of required habitat for all species, contribute to the public health, safety and welfare, to assure that costs of management are borne by the primary beneficiaries whether fishermen or other users and provide public access." Techniques to achieve the purposed include habitat protection and management, acquisition and land use control for lands adjacent to water, providing access to lakes and streams, harvest and regulation and management of competing species. Specific management policies will be included in a master plan for each fish management area.

5. Designated Trout Streams

The designation of trout streams is part of the Wisconsin water quality classification system. Other designated uses are for fish and aquatic life, recreation and public water supply. Designated uses and water quality standards for each use are specified in Chapter NR 102, Wisconsin Administrative Code. Trout stream standards include provisions that effluents and temperature changes shall not adversely affect trout populations and specify dissolved oxygen levels and pH range. In order to achieve these standards the Department of Natural Resources Bureau of Water Regulation and Zoning will not authorize permits for dams, channel relocation, nor structures which impound water. Efforts such as bank stabilization to reduce erosion or siltation are supported. Although dredging is generally opposed, the enlargement of waterways for agricultural purposes is exempted from a permit requirement in Section 30.19, Wisconsin Statutes. The trout stream designation is also used to define management procedures for the control of beaver populations in Section NR 1.16, Wisconsin Administrative Code.

Trout streams of the State have been inventoried by the Bureau of Fish Management. The streams are divided into three classes according to the quality of the habitat for fish management purposes. In addition to the standards noted in the previous paragraph, management includes the stocking of streams with trout.

6. State Fish Refuge

The purpose of state fish refuges, as stated in Section 23.09, Wisconsin Statutes, is to "provide safe retreats in which fish may breed and replenish adjacent fishing waters."

7. State Fish Management Easements

The acquisition of fish management easements is authorized by Section 23.09(2)(d), Wisconsin Statutes. The purpose of the easements is to obtain fishing areas for the use and benefit of the general public.

Form 2200-30 of the Department of Natural Resources specifies the rights and privileges for fish management easements. The easements provide for public access to the fishing area.

The Department of Natural Resources is authorized to utilize management techniques to improve and protect the fish habitat and make improvements and installations to make the area convenient for public use. To accomplish these provisions, employees of the Department of Natural Resources are allowed access across the owner's land which is not included in the easement. Signs may be posted to delineate the area, but there are restrictions on signs which advertise the area.

The landowner retains the right to use the land and stream provided the use is consistent with the use of the area for public fishing. Use of the water for domestic purposes, including stock watering is allowed. The landowner may not alter the drainage of wetlands. A permit from the Department of Natural Resources is required for the removal of trees and shrubs, altering general topography and erecting new structures. No dumping is allowed unless the use is incidental to the use of the land for normal agricultural or horticultural purposes.

8. Wetlands

The Wisconsin Department of Natural Resources regulates activities in wetlands which lie below the ordinary high water mark in navigable lakes, rivers, and streams. Any placement of fill, dredging, or construction in such wetlands must be approved by the DNR. Permission may only be granted if the proposed activity will be consistent with the public interest in the water involved. Violators are subject to fine or imprisonment.

Under state law, counties are required to enact shoreland zoning along navigable waters in unincorporated areas. The applicable administrative rules and the model ordinance prepared by the Department of Natural Resources strongly recommend conservancy zoning for wetlands. A majority of counties have adopted these conservancy zoning provisions.

Most wetlands are included within environmental corridors identified by regional planning commissions. Environmental corridors are defined by the presence of steep topography, water, and wetlands. These linear systems generally contain the greatest concentrations of sensitive and important natural resources. Regional planning commissions recommend that local units of government act to keep such areas as open space and to discourage development.

Both the Department of Natural Resources and the University of Wisconsin-Extension have on-going resource information and education programs. Current efforts are aimed at focusing the attention of the public and officials on wetlands and their value. Publications, slide programs and courses have been prepared to foster wise wetland management.

9. Rural shoreland areas

In 1966, the state legislature established a program of mandatory planning and zoning of rural shoreland areas (unincorporated area within 1000 feet of a navigable lake or 300 feet of a navigable stream). Counties are required to zone these lands; if they fail to, or fail to maintain effective management, the state can act to manage these lands itself. All coastal counties have approved shoreland management programs.*

The state minimum standards for management of these areas set minimum lot sizes, building setback, tree cutting, filling, dredging, grading, sanitary, subdivision, and enforcement standards.

10. Flood and erosion hazard areas

Management of flood prone areas is a joint state-local partnership. Chapter 87.30, Wisconsin Statutes, requires cities, villages and counties to adopt flood plain zoning regulations where serious damage may occur*. The standards upon which to base the flood plain zoning regulations are contained in Chapter NR 116, Wisconsin Administrative Code. Projects initiated by State agencies are also required to comply with the provisions of the Administrative Code pursuant to Executive Order Number 67.

*See Table 1 at the end of Part II, Appendix H.

The management of active shore erosion areas and areas of bluff instability is accomplished through research and educational programs sponsored by the University of Wisconsin - Sea grant College Program and the Wisconsin Geological and Natural History Survey. Information from these bodies is widely dissemination in both the public and private sectors. In addition, information derived from the 1976 field work is being used in the evaluation of applications to build structures on the shores and the beds of the Great Lakes by Department of Natural Resources field staff.

11. State Scientific Areas

Management procedures for Scientific Areas are well defined. The objective of the procedures (as authorized by Section 23.27, Wisconsin Statutes) is to preserve the scientific area in a natural condition with as little disturbance as possible. General management procedures are presented below.

(a) Management of the Biotic Communities

- (1) Removal of plants, plant parts, minerals, animals and artifacts is generally not permitted. However, hunting, fishing, trapping, berry picking and nut gathering is permitted if not expressly restricted in the specific management policy for each area or otherwise prohibited by law. Collecting for scientific purposes may be allowed by a permit from the Scientific Areas Preservation Council.
- (2) Cutting down of dead, down, living trees or other vegetation is to be limited to that essential to meet safety requirements along roads, trails and firebreaks. Where cutting is essential, material should be left within the scientific area.
- (3) Control of abnormal animal populations or control of plant succession with the use of fire, mowing or water level manipulation, may be employed to maintain a particular scientific area type, if provided for in the specific management plan for each area. However, no alteration of the biotic community will be initiated without the approval of both the property manager and the Council.
- (4) Introductions of plant and animal species, whether native or exotic is generally prohibited.
- (5) Herbicides, insecticides, fungicides or other chemicals should not be used for plant or animal control. The Council shall be notified of any emergency need for exceptions to this rule.

(b) Public Use

- (1) Intensive public use generally should not be encouraged. Any public use whether recreational or educational which damages vegetation or otherwise impairs natural conditions should be discouraged and if necessary controlled. Recreational use such as hiking, nature observation and educational use which does not degrade the natural features is encouraged.
- (2) There should be a minimum of attention-drawing signs. A sign regarding the area's purpose and use limitations is desirable where roads or trails pass through or adjacent to frequently used scientific areas. Boundaries may be marked with suitable stakes for the convenience of the property manager and visitors.
- (3) Vehicle traffic of all types is discouraged. Existing trails and access roads may be maintained. They should be identified and located on the management plan map. New walking trails may be constructed where use is heavy or where needed to protect sensitive vegetation, following joint approval of the Council and the property manager.
- (4) No buildings and other improvements such as fireplaces, picnic grounds, athletic facilities or beaches, dams or other waterway modification devices will be constructed. Any public use facility, maintenance facility or habitat modifying device essential to the scientific area should be located in a surrounding buffer zone.

12. Historic and Cultural Areas

Areas of historic, architectural, or archeological significance are protected under various state and federal laws and directives. Historic resources will be identified through surveys conducted by or in consultation with the State Historical Society and will be evaluated against the National Register "Criteria for Evaluation." This includes those areas or properties:

- (a) That are associated with events that have made a significant contribution to the broad patterns of our history;
- (b) That are associated with lives of persons significant in our part;
- (c) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic

values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

- (d) That have yielded, or may be likely to yield, information important in prehistory or history.

The process for designation as GAMC's of these resources will include nomination to the National Register of Historic Places or, if necessary, determination of eligibility for inclusion in the National Register from the Secretary of Interior. Management policies will be developed in consultation with the State Historic Society and the Federal Advisory Council on Historic Preservation. Actual management of historic properties may be undertaken by either local historical societies, the State Historical Society, or the National Park Service, depending upon the overall historic or cultural significance of these properties or areas.

Also see policies number 4.4, 4.5, and 4.6 in Part II, Chapter I.C.

13. Preliminary Nominations of GAMC's

The following is a list of areas receiving preliminary nomination as GAMC's that were received by OSPE by September 16, 1977. Preliminary nominations will be accepted for initial GAMC's through October 3, 1977. The nominations listed were made by government agencies, interest groups, and members of the public. Some of the areas received multiple nomination. These have been screened for basic eligibility; they may or may not be formally nominated as GAMC's. Formal nomination must be made by managing agencies by November 11, 1977. Thereafter, preliminary decisions on designation will be made, with broad public review of these preliminary decisions to take place in December 1977. Final designation is scheduled for January 1978. Those to be managed by state agencies are designated by an asterisk.

KENOSHA COUNTY

1. Chiwaukee Prairie Scientific Area and Proposed Addition
2. Kenosha Sand Dunes
3. Pleasant Prairie Shoreline
4. Kemper Center
5. Alford Park - Pike River

RACINE COUNTY

6. Sander's Park Hardwood Forest Scientific Area
7. Renack-Polack Woods Scientific Area
8. Cliffside Park, Lake Michigan Park

MILWAUKEE COUNTY

9. Bay View Park
10. Shoreline and Harbor Area - Milwaukee
11. Bender Park
12. Big Bay Park
13. Doctors Park
14. Grant Park
15. Juneau Park
16. Lake Park
17. McKinley Marina Park
18. Sheridan Park
19. South Shore Park
20. Warnimont Park

OZAUKEE COUNTY

21. Harrington Beach State Park*
22. Fairy Chasm Scientific Area
23. Ulao Public Hunting Ground
24. Kurtz Maple Woods
25. Bluff Lot - Highway C
26. Virmond County Park - Mequon
27. Lake Michigan Bluff - Mequon
28. City of Port Washington - Small Boat Harbor & Marina Development

SHEBOYGAN COUNTY

29. John Michael Kohler and Terry Andrae State Parks*
30. Kohler Park Dunes Scientific Area*
31. Kohler Park Pines Scientific Area*
32. Cedar Grove Ornithological Station Scientific Area*
33. Black River Wildlife Habitat
34. City Lakefront Park - Sheboygan
35. Sheboygan - Filled land in front of C. Reiss Coal Co. Property

- 36. Vacant Downtown Area on Sheboygan River
- 37. Pigeon River Mouth Wildlife Habitat
- 38. Lake Michigan Bluff (Town of Mosel, Town of Sheboygan)
- 39. Lake Michigan Shore (Town of Mosel)

MANITOWOC

- 40. Point Beach State Forest*
- 41. Wilderness Ridge Scientific Area*
- 42. Point Beach Ridges Scientific Area*
- 43. Two Creeks Buried Forest Scientific Area*
- 44. Two Rivers Public Hunting Ground
- 45. Proposed Lake Michigan County Park
- 46. Manitowoc River Harbor
- 47. Silver Creek Park
- 48. River Frontage - Two Rivers
- 49. Industrial Development - Two Rivers
- 50. Harbor Street Park - Two Rivers
- 51. Rogers Street Fishing Village
- 52. East & West Twin Rivers Wetlands, Floodplain
- 53. Lake Michigan Shoreline - Between Manitowoc & Two Rivers
- 54. Woodland Dunes
- 55. Manitowoc Beach Area - Town of Two Rivers
- 56. Two Creeks Shoreline Preservation Area

KEWAUNEE COUNTY

- 57. Ahnapee State Trail*
- 58. Kewaunee Marsh* - State Wildlife & Fish Management Area
- 59. Little Scarboro* - State Wildlife & Fish Management Area
- 60. Town of Pierce - Site of Green Bay Pumping Station
- 61. Shoreline - Algoma - Preservation & Recreational Development
- 62. Fish Shanty Recreation Area

DOOR COUNTY

- 63. Newport State Park*
- 64. Rock Island State Park*
- 65. Potawatomi State Park*
- 66. Peninsula State Park*
- 67. Whitefish Bay Dunes
- 68. Ahnapee State Trail (also Kenosha Co.)*
- 69. Mud Lake Scientific Area
- 70. Sister Islands Scientific Area*
- 71. Peninsula Park Beach Forest Scientific Area*
- 72. Peninsula Park White Cedar Forest Scientific Area*
- 73. Newport Conifer Hardwoods Scientific Area*
- 74. Toft's Point Scientific Area
- 75. The Ridges Sanctuary Scientific Area
- 76. Jackson Harbor Scientific Area

- 77. Gardner Swamp State Wildlife Area*
- 78. Mud Lake State Wildlife Area*
- 79. Sister Islands State Wildlife Area*
- 80. Lost Lake State Wildlife Area*
- 81. Strawberry Creek State Fish Management Area*
- 82. Schuyler Creek State Fish Management Area*
- 83. Inland Lake next to Moonlight Bay
- 84. Marshall's Point or Pine Ledges
- 85. Mink River Marsh
- 86. Reefs and Shoals Natural Areas of Lake Superior & Lake Michigan -
Green Bay*

BROWN COUNTY

- 87. Lost Dauphin State Park*
- 88. Heritage Hill State Park*
- 89. Longtail Point State Wildlife Area *
- 90. Sensiba State Wildlife Area *
- 91. Green Bay Shores State Wildlife Area *
- 92. Duck Creek Environmental Corridor

OCONTO COUNTY

- 93. Copper Culture Mounds State Park*
- 94. Charles Pond Scientific Area*
- 95. Pensaukee Marsh State Wildlife Area*(also Brown Co.)
- 96. Green Bay Shores State Wildlife Area *
- 97. Breakwater Area - City of Oconto

MARINETTE COUNTY

- 98. Seagull Bar Scientific Area *
- 99. Peshtigo Harbor State Wildlife Area *
- 100. Little River Rearing Pond State Fish Management Area *

IRON COUNTY

- 101. Gull Island - Michigan Island Fish Refuge Area*
- 102. Sand Cut and Cat Island Shoal State Fish Refuge*
- 103. Flambeau Trail
- 104. Saxon Harbor Recreation Area
- 105. Cedar Road Scenic Area
- 106. Montreal River Natural Area

ASHLAND COUNTY

- 107. Big Bay State Park*
- 108. Bad River Reservation Preservation Area North of U.S. 2
- 109. Long Island Natural Area*
- 110. City of Ashland - Blighted Shoreline
- 111. Lake Superior Shoreline - at City of Ashland Water Treatment Plant
- 112. City of Ashland - C. Reiss Coal Co. Dock West of Possible Marina

- 113. City of Ashland Harbor - Pilings
- 114. City of Ashland Harbor - Debris
- 115. City of Ashland - Four Developed Areas
- 116. City of Ashland - Breakwater
- 117. City of Ashland - Blighted Urban & Industrial Waterfront
- 118. Scenic Drive-offs (9) along U.S. 2 in Ashland
- 119. City of Ashland - Lakefront Trail
- 120. City of Ashland - Four Waterfront Parks
- 121. Prentice Park Addition

BAYFIELD COUNTY

- 122. Bayfield Peninsula State Park*
- 123. Flag River State Wildlife Area*
- 124. Scattered Forest Lands - State Wildlife Area*
- 125. Big Sioux River Fish Management Area*
- 126. Fish Creek Slough Fish Management Area*
- 127. Flag River Fish Management Area*
- 128. Lost Creek Fish Management Area*
- 129. Lake Superior Public Access - Fish Management Area
- 130. Raspberry Bay Fish Management Area*
- 131. Bayfield Hatchery Fish Management Area*
- 132. Natural Harbor Areas - Cranberry R. (Herbster)
Siskiwit R. (Cornucopia)
Oronto Creek (Saxon Harbor)
- 133. River Natural Areas* - Cranberry R.
Pike's Creek
Other South Shore Streams
- 134. Highway 13 Corridor
- 135. City of Washburn Dock
- 136. City of Washburn Dock Area Recreation Center
- 137. City of Washburn Dock Marina
- 138. City of Washburn Park & Open Space Area
- 139. City of Washburn - Economic Dev. Area
- 140. City of Bayfield Landfill Site
- 141. City of Bayfield Camping Park
- 142. City of Bayfield Urban Recreation Area
- 143. Recreation Corridor on Railroad Right of Way
- 144. City of Bayfield Park - Boat Access
- 145. Raspberry Bay Subdivision Lakeshore Recreation Area
- 146. Town of Bell Cedar Swamp
- 147. Jones Marina
- 148. Bayfield, Port Superior Madeline Area Harbors
- 149. Town of Clover Recreation Area
- 150. Bark Peninsula Erosion Area
- 151. Bark Bay Coastal Wetland Natural Area
- 152. Mouth of Flag River Slough
- 153. Town of Port Wing - Boreal Forest
- 154. Port Wing Village Sewer System
- 155. Bibon Lake Wetlands

- 156. Port Wing Slough Harbor
- 157. River and Beach Natural Areas* - Amnicon R.
Middle R.
Poplar R.
Whittlesey Creek

DOUGLAS COUNTY

- 158. Brule River State Forest *
- 159. Wisconsin Point
- 160. Duluth - Superior Harbor (including estuarine areas of St. Louis
R., Nemadji R. and Allouez Bay)
- 161. Allouez Bay
- 162. City of Superior Forest
- 163. City of Superior - Undeveloped Heavy Industrial Area

B. Management of "Direct and Significant" Uses.

1. Water based

- (a) Removing materials from the bed of a Great Lake or navigable coastal water

The removal of any materials from the bed of a navigable inland lake or from the bed of the Great Lakes requires a contract with the Department of Natural Resources. The department may enter into such contracts on behalf of the state for the removal of materials "whenever consistent with public rights." These contracts shall contain "such conditions as may be necessary for the protection of the public interest and the interests of the state and shall fix the compensation to be paid to the state for material so removed" (sec. 30.20(2)(a)).

Removing materials from the bed of any other lake (a non-navigable lake) or from a stream requires a permit from the DNR. Such permits may be issued "where consistent with the public interest in the water involved" (sec. 30.20(2)(c)). The Wisconsin Supreme Court has held that in ruling on a request for a permit to conduct dredging operations the department must give serious consideration to any adverse effect on water quality and must make a specific finding with respect to the effect upon water pollution. (Reuter v. Department of Natural Resources, Division of Resource Development, 43 Wis.2d 272, 168 N.W.2d 860 (1969)).

- (b) Mining of metallic minerals

The removal of any mineral and ore from beneath the bed of navigable lakes and waters requires a contract with the Department of Natural Resources. The department may enter into a contract for removal "whenever consistent with public rights, ...where the waters would not be disturbed in the removal operation" (sec. 30.20(2)(b)). The contract shall contain conditions necessary for the protection of the public interest and the interests of the state. (Also, see Section 2.r. below).

- (c) Enlarging the course of a Great Lake or other navigable coastal water

The enlargement of a navigable body of water requires a permit from the DNR under section 30.19(1)(a). After receiving an application for a permit the department shall mail copies to various persons (as provided in sec. 30.19(3)), accompanied by a statement that unless written objection is filed with the department within 30 days the department may take action to grant the application without hearing. If timely objection is filed, the department shall set the application for public hearing (sec. 30.19(3)).

Section 30.19(4) provides that the department shall issue a permit if it finds that:

"... the project will not injure public rights or interest, including fish and game habitat, that the project will not cause environmental pollution as defined in s. 144.30(9), that the project conforms to the requirement of laws for the platting of land and for sanitation and that no material injury to the rights of any riparian owners on any body of water affected will result,..."

Sec. 144.30(a) defines "environmental pollution" as "the contaminating or rendering unclean or impure the air, land or waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life."

Conditions may be applied to approvals.

- (d) Constructing an artificial waterway within 500 feet of a Great Lake or other navigable coastal water

Constructing an artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway requires a permit from the DNR under sec. 30.19(1)(a), if any part of such artificial waterway is located within 500 feet of the ordinary high-water mark of a navigable body of water. The provisions for acquiring such a permit are the same as those for enlarging a navigable body of water, as discussed above.

- (e) Connecting an artificial waterway to a Great Lake or other navigable coastal water

Connecting an artificial waterway to an existing body of navigable water requires a permit from the DNR under sec. 30.19(b). Here again, the requirements for the issuance of such a permit are the same as those for a permit to enlarge a navigable body of water, as discussed above.

- (f) Depositing any materials in the Great Lakes or other navigable coastal water

Depositing any materials upon the bed of a navigable body of water requires a permit from the DNR, unless the material is deposited behind a lawfully established bulkhead line (sec. 30.12(1)). The department may grant a riparian owner a permit to place a layer of sand or other similar material on the bed of a lake adjacent to his property for the purpose of improving recreational use (sec. 30.12(2)(b)). The department may also grant a riparian a permit to place riprap or other similar material on the bed and bank of navigable waters adjacent to his property for the purpose of protecting

the stream bank or lake shore from erosion (sec. 30.12(2)(d)). Such permits shall be granted only if the department inspects the proposal and the location involved, and finds that the proposed work will not "materially impair navigation or be detrimental to the public interest" (sec. 30.12(2)(b) and (d)).

Bulkhead lines may be established by ordinance by any municipality, subject to approval of the department, within any section of the shore of any navigable waters. Section 30.11(2) provides that:

"Bulkhead lines shall be established in the public interest and shall conform as nearly as practicable to the existing shores, except that in the case of leases under sub. (5) and s. 24.39(4) bulkhead lines may be approved farther from the existing shoreline if they are consistent with and a part of any lease executed by the board of commissioners of public lands."

Such leases may give riparian owners rights to fill in beds of lakes or navigable streams held in trust for the public, when the purpose of the lease is for the improvement of navigation or for the improvement or construction of harbor facilities. Leases may be executed with municipalities in locations where the municipality is the riparian owner, when the purpose of the lease is for the improvement or provision of recreational facilities related to navigation for public use. Prior to execution of any lease under sec. 30.11(5) and sec. 24.39(4), the DNR shall determine whether or not the proposed physical changes in the area are consistent with the public interest.

- (g) Placing any structures upon the bed of the Great Lakes or other navigable coastal water

A permit from the DNR is required in order to place any structure upon the bed of any navigable water, unless the structure is placed behind a lawfully established bulkhead line (sec. 30.12(1)). The department may grant a riparian a permit to place a structure on the bed of a navigable body of water, upon application and after notice and hearing, "provided such structure does not materially obstruct navigation or reduce the effective flood flow capacity of a stream and is not detrimental to the public interest" (sec. 30.12(2)).

Upon obtaining approval of the DNR a riparian owner may place a fish crib or other similar device on the bed of a lake for the purpose of improving fish habitat. The department may disapprove an application for such a device if it finds the proposed work will materially impair navigation or be detrimental to the public interest.

(h) Discharges of effluents into coastal water

Discharges of effluents are controlled by the Department of Natural Resources, under a state water pollution discharge elimination system (W.P.D.E.S.), established to meet the goal of eliminating the discharge of pollutants into the waters of the state by 1985 and to attain the interim goal of water quality which provides for the protection of fish, shellfish, and wildlife and provides for recreation in and on the water by 1983 (Wis. Stats. Chapter 147; Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500).

Section 147.02 requires a permit from the DNR for the lawful discharge of any pollutant into the waters of the state, which include ground water by the definition in sec. 147.015(13). "Pollutants" include any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water (sec. 147.015(3)). The "discharge of pollutants" means any addition of any pollutant to the waters of the state from any point sources (sec. 147.015(5)).

General standards for the issuance of W.P.D.E.S. permits are set forth in sec. 147.02(3), which provides:

"The department may issue a permit for the discharge of any pollutant, or combination of pollutants, other than those prohibited under sub. (2), upon condition that such discharges will meet all the following, whenever applicable:

- (a) Effluent limitations;
- (b) Standards of performance for new sources;
- (c) Effluent standards, effluents prohibitions and pretreatment standards;
- (d) Any more stringent limitations, including those:
 1. Necessary to meet federal or state water quality standards, or schedules of compliance established by the department; or
 2. Necessary to comply with any applicable federal law or regulation; or
 3. Necessary to avoid exceeding total maximum daily loads established pursuant to a continuing planning process developed under s. 147.25.
- (e) Any more stringent legally applicable requirements necessary to comply with an approved areawide waste treatment management plan."

In addition to these criteria each permit issued by the department shall specify maximum levels of discharges (sec. 147.02(5)).

The requirements for filing applications for the discharge permits required by sec. 147.02 are set out in NR 200. Forms are to be obtained from the DNR. Data submitted in the applications are used as a basis for issuing permits.

Sec. 147.021 requires that rules relating to effluent limitations and standards of performance for discharges to waters of the state shall comply with and not exceed the requirements of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500).

The Department of Natural Resources has established effluent limitations for each of the categories and classes of point sources of pollution. The list of such categories is included in NR 220, and it classifies point sources according to industrial, commercial, mining, and agricultural groupings. Fifty-seven categories of activities are covered, including such diverse sources as asbestos manufacturing, canned and preserved fruits and vegetables, feedlots, hospitals, laundries, machinery and mechanical products manufacturing, pulp, paper and paperboard manufacturing, and water supply.

The Administrative Code, Chapters NR 221 to 297 sets forth effluent limitations for discharges of wastes from each of these categories of point sources and also includes standards of performance for new sources. The specific effluent discharge limit values are based on the statutory requirement that by July 1, 1977 the best practicable control technology currently available be applied (sec. 147.04(2)(a)). In addition each category contains pretreatment standards for discharges to publicly owned treatment works. General pretreatment standards are set forth in NR 211, which prohibits the introduction of any waste into a publicly owned sewage treatment works which would interfere with the operation of the works.

Effluent limitations for publicly owned treatment works and privately owned domestic sewage treatment works are set forth in NR 210. These limitations include:

(a) Biochemical oxygen demand (5 day)

Mean value for effluent samples collected in a period of 30 consecutive days not to exceed 30 milligrams per liter. (For samples collected over 7 days, not to exceed a mean of 45 milligrams per liter.) (85% removal of BOD from influent.)

(b) Suspended solids

Mean value for effluent samples collected in a period of 30 consecutive days not to exceed 30 milligrams per liter. (For samples collected over 7 days, not to exceed 45 milligrams per liter.) (85% removal of suspended solids from influent.)

(c) pH

Effluent pH shall be within the limits of 6.0 to 9.0.

(d) Other pollutants

Permits may be issued to publicly owned treatment works which impose effluent limitations applicable to other pollutants, taking into consideration pretreatment requirements that may be imposed upon specific industrial discharges to the given publicly owned treatment works.

In addition to these effluent limitations, all municipal sewage treatment plants shall provide a minimum of secondary treatment and effluent disinfection (NR 102.04).

Chapter 217 provides that the DNR may specify effluent limitations in permits for the discharge from point sources which are not included in classes or categories specified in NR 220.

Section 147.02(2) specifies that there shall be no discharge into the waters of the state of any radiological, chemical or biological warfare agent, or high-level radioactive waste. Sec. 147.07 authorizes the DNR to set effluent standards for toxic pollutants, which may include the prohibition of the discharge of such pollutants. Sec. 147.01(1)(c) provides that "It is . . . the policy of the state of Wisconsin that the discharge of toxic pollutants in toxic amounts be prohibited." "Toxic pollutants" mean those pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism (directly or through the food chain), will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, or physical deformations in such organisms or their offspring (sec. 147.015(7)).

The discharge of inorganic mercury compounds and metallic mercury to the waters of the state may not exceed the background level by more than 0.05 pound per 1,000,000 gallons of effluent discharged. The maximum discharge by any person is limited to 0.15 pound of mercury per day averaged over a 30-day period and not more than one-half pound in any one day (sec. 144.423 and NR 100.02).

Phosphorous removal from sewage is required in communities with a population of 2,500 and over in the Lakes Michigan and Superior basins. Such municipalities are required to achieve an 85% reduction of phosphorous annually. There should be a similar rate of removal from industrial wastes containing more than 2 mg. per liter of total phosphorous and having an annual phosphorous discharge of 8,750 pounds. In addition, any waste water discharger anywhere in the state may be required to remove excess amounts of phosphorous where such discharges are causing over-fertilization of surface waters (NR 102.04).

Section 144.025(2)(b) directs the DNR to set water quality standards to be applicable to the waters of the state. Standards must be set to protect the public interest, including protection of the public health and welfare and protection of the present and future use of such waters for public and private water supplies, propagation of fish, aquatic life and wildlife, domestic and recreational purposes and agricultural, commercial, industrial and other legitimate uses.

Water quality standards for Wisconsin surface waters are set forth in NR 102. General Standards for all waters, includes:

- (a) Substances that will cause objectionable deposits on the shore or in the bed of a body of water, shall not be present in such amounts as to interfere with public rights in waters of the state.
- (b) Floating or submerged debris, oil, scum, or other material shall not be present in such amounts as to interfere with public rights in waters of the state.
- (e) Materials producing color, odor, taste or unsightliness shall not be present in such amounts as to interfere with public rights in waters of the state.
- (d) Substances in concentrations or combinations which are toxic to humans shall not be present in amounts found to be of public health significance, nor in amounts which are acutely harmful to animal, plant or aquatic life.

These "public rights in the waters of the state" have been defined broadly in a strong series of cases decided by the Wisconsin Supreme Court dealing with the public trust doctrine. These include rights of navigation, commerce, fishing, recreation (including sailing, rowing, canoeing, bathing, fishing, hunting, skating, prevention of pollution,

protection of natural values, and similar uses) and the enjoyment of scenic beauty. See e.g., Nekoosa Edwards Paper Co. v. RR Comm'n, 201 Wis. 40, 228 N.W. 144, 229 N.W. 631 (1930), Muench v. Public Service Comm'n, 261 Wis. 492, 52 N.W.2d 544, 55 N.W.2d 40 (1952), Menzer v. Elkhart Lake, 51 Wis.2d 70, 186 N.W.2d 290 (1971) and Just v. Marinette Co., 56 Wis.2d 7, 201 N.W.2d 761 (1972).

Standards for fish and aquatic life:

- (a) Dissolved oxygen content in surface waters shall not be lowered to less than 5 mg/l at anytime (applies to all waters, except designated trout streams).
- (b) Temperature
There should be no temperature changes that may adversely affect aquatic life. Natural and seasonal temperature fluctuations shall be maintained, and the temperature shall not exceed 89° F. for warm water fish.
- (c) pH
The pH shall be within the range of 6.0 to 9.0, with no change greater than 0.5 units outside the estimated natural seasonal maximum and minimum.
- (d) Unauthorized concentrations of substances are not permitted that alone or in combination with other materials present are toxic to fish or other aquatic life.

Standard for recreational use of surface waters:

The chief criterion in determining the suitability of a surface water for recreational use is a sanitary survey and/or evaluation to assure protection from fecal contamination. In addition, the following bacteriological guidelines are set forth:

The membrane filter fecal coliform count shall not exceed 200 per 100 ml. as geometric mean based on not less than 5 samples per month, nor exceed 400 per 100 ml. in more than 10% of all samples during any month.

Lake Michigan and Lake Superior thermal standards:

The following thermal standard is established so as to minimize effects on the aquatic biota in the receiving waters:

Thermal discharges shall not raise the receiving water temperature more than 3° F. above the existing natural temperature at the boundary of mixing zones. The mixing zone for a shoreline thermal discharge is the area included within the perimeter of a rectangular figure extending 1,250 feet in both directions along the shoreline from the outfall and 1,250 feet into the lake. The mixing zone for an offshore thermal discharge shall be the area within a 1,000-foot radius circle with its center at the point of discharge (NR 102.05).

In addition to water quality standards for surface waters, the DNR has established an antidegradation policy:

No water of the state shall be lowered in quality unless it has been affirmatively demonstrated to the DNR that such a change is justified as a result of necessary economic and social development, provided no new or increased effluent interferes with any uses made of or presently possible in such waters (NR 102.03(2)).

These standards are to be achieved by July 1, 1977. The water quality goal of the DNR is that, wherever attainable, surface waters in Wisconsin shall provide for the protection and propagation of fish and aquatic life and provide for recreational uses in and on the water by July 1, 1983. It is anticipated that the application of best available control technology will achieve the 1983 water quality goals in all surface waters. If the 1983 goal cannot be achieved, more stringent control measures may be required. However, if it is determined that there is no reasonable relationship between the economic and social costs of achieving such limitations and the economic and social benefits to be obtained, then variances from the 1983 water quality criteria may be provided (NR 102.03(1)).

(i) Placing refuse in coastal waters

Section 29.288 makes it unlawful to place or deposit any refuse or other solid waste material into any waters within the jurisdiction of the state. Section 29.29(3) makes it unlawful to deposit into any waters of the state any lime, oil, tar, garbage, refuse, debris, tan bark, ship ballast, stone, sand (except where a permit is obtained from DNR for depositing materials on the bed of a navigable body of water under sec. 30.12(2)(b)), slabs, decayed wood, sawdust, sawmill refuse, planing mill shavings or waste material of any kind, or any acids or chemicals or waste or refuse arising from the manufacture of any article of commerce, or any other substance deleterious to game or fish life. The only exception to this provision is authorized drainage and sewage from municipalities and industrial treatment plants and other wastes from mines or processing plants discharged through treatment and disposal facilities operated in accordance with plans approved by the department under chapter 144. (See managed use 1(h) above).

(j) Obtaining drinking water

Section 144.025(2)(e) provides that the approval of the DNR is required for the construction, installation or operation of one or more wells on one property, if the well or wells withdraw more than 100,000 gallons of water a day.

If the department finds that the proposed withdrawal will adversely affect or reduce the availability of water to any public utility in furnishing water to or for the public it shall either withhold its approval or grant a limited approval under which it imposes such conditions ... so that the water supply of any public utility engaged in furnishing water to or for the public will not be impaired.

Section 144.04 requires that complete plans of a proposed water plant or system or extension thereof must be submitted to the DNR for approval. Chapter NR 111 governs the operation, design and construction of public water-works. NR 111.01 states that:

"The standards for design and construction shall be considered minimum standards for new facilities and the standards to which existing facilities shall be upgraded when improvements are undertaken."

Chapter NR 112 governs "the location, construction or reconstruction and maintenance of wells and reservoirs, the installation and maintenance of pumping and treatment equipment and the supervision of well drillers and pumping equipment installers" (NR 112.01). This chapter was adopted pursuant to sec. 162.01; its purpose is to:

"establish uniform minimum standards and methods of procuring and protecting an adequate supply of ground water safe and fit for human consumption and for the preparation of food products through adequate construction or reconstruction of wells and reservoirs, installation of pumping equipment, or other methods approved by the department in conformity with chapter 162" (NR 112.01).

Water utilities are also subject to supervision and regulation by the Public Service Commission (sec. 196.02(1)).

Water quality (and thus, the quality of municipal intakes, etc.) is safeguarded by the DNR under its regulation of sewerage systems (sec. 144.04, see part (2)(d) below) and the water pollutant discharge elimination system (sec. 147.02, see (1)(g) above).

In addition, Section 144.025(2)(t) provides that the DNR may "establish, administer, and maintain a safe drinking water program no less stringent than the requirements of the Safe Drinking Water Act of 1974, P.L. 93-523."

NR 102.02 includes standards for waters used as a public water supply (in addition to the standards for fish and aquatic life and recreational use (see 1(h) above):

dissolved solids are not to exceed 500 mg/l as a monthly average value, nor exceed 750 mg/l at any time.

(k) Harvesting fish for commerce or sport

Section 29.085 gives the DNR the authority to regulate fishing in all interstate boundary waters, and outlying waters as defined in sec. 29.01(4). Licenses for fishing in inland waters are required under sec. 29.09. Licenses from the department are also required for the use of nets and set lines in any waters of the state (sec. 29.30(1)), and restrictions on the use of nets and set lines are provided in sec. 29.30(2). Further regulations on all fishing in inland waters and on hook and line fishing in outlying waters are provided in chapter NR 20.

Commercial fishing in outlying waters requires a commercial fishing license. Section 29.33(1) provides that the DNR has the authority to:

"limit the number of such licenses to be issued and designate the areas in the outlying waters of Lake Superior under the jurisdiction of this state where such licensee may conduct commercial fishing operations. These determinations shall be based on the available harvestable population of fish and in the wise use and conservation of such fish so as to prevent overexploitation. The department may adopt rules defining the qualification of licensees in the reasonable exercise of this authority, giving due consideration to residency, past record, fishing and navigation ability and quantity and quality of equipment possessed."

Regulations applicable to commercial fishing in outlying waters (the Great Lakes) are set forth in Chapter NR 25. Not more than 20 licenses authorizing commercial fishing in Lake Superior shall be issued each year. In addition, various levels of equipment and catch value are required to retain eligibility. This chapter also sets seasons in different areas of the Great Lakes and quotas on harvests and includes specifications on equipment to be used.

(1) Boating in coastal waters

A motorboat or sailboat over 12 feet in length shall not be operated (with a few exceptions, provided by statute) unless it is covered by and displays a valid certificate of number issued by the DNR, pursuant to sections 30.50 through 30.53. Sections 30.50 through 30.80 and chapter NR 5 cover registration requirements and boating safety regulations. NR 5 also provides information on waterway markers as an aid to navigation.

Section 30.71(2) provides that no person shall operate any boat equipped with toilets on any outlying waters of the State (Great Lakes) for shore disposal. However, this provision does not apply to boats engaged in international or interstate commerce.

Section 29.29 provides that no fish offal may be thrown overboard from a boat and deposited in the water. The statute also forbids any person from throwing or depositing other deleterious substances in any water of the state (see part 1(i) above).



2. Land Based

- (a) Grading or removing top soil which disturbs 10,000 square feet or more of the banks of the Great Lakes or other navigable coastal water

The grading or removal of at least 10,000 square feet of top soil from the bank of a navigable body of water requires a permit from the DNR under sec. 30.19(1)(c).

Section 30.19(4) provides that the department shall issue a permit if it finds that:

" . . . the project will not injure public rights or interest, including fish and game habitat, that the project will not cause environmental pollution as defined in s. 144.30(9), that the project conforms to the requirement of laws for the platting of land and for sanitation and that no material injury to the rights of any riparian owners on any body of water affected will result, . . ."

If the department approves the project, it

"may impose such further conditions in the permit that it finds reasonably necessary to protect public health, safety, welfare, rights and interest and to protect private rights and property." Sec. 30.19(5))

- (b) Placing structures in flood prone areas

Counties, cities, and villages are required by sec. 87.30(1) "to adopt reasonable and effective flood plain zoning ordinances within their respective jurisdictions where serious flood damages may occur" (NR 116.01). General criteria for flood plain zoning ordinances are set out at length in NR 116.03. The objectives of these criteria are to:

- (a) Protect human life and health;
- (b) Minimize expenditures of public monies for costly flood control projects;
- (c) Minimize rescue and relief efforts, generally undertaken at the expense of the general public;
- (d) Minimize business interruptions;
- (e) Minimize damage to public facilities on the flood plains such as water mains, sewer lines, streets and bridges;
- (f) Help maintain a stable tax base by the preservation or enhancement of property values for future flood plain development. In addition, development of future flood blight areas on flood plains will be minimized and property values and the tax base adjacent to the flood plains will be preserved;
- (g) To discourage the victimization of unwary land and home buyers.

More specific criteria for determining the adequacy of flood plain zoning regulations are established in the remainder of NR 116.03. Among these criteria is the requirement that an acceptable ordinance must prohibit the construction of residences in any floodway and "any fill, deposit, obstruction, excavation, storage of materials, or structure which acting along or in combination with existing or future similar works will adversely affect the efficiency of the capacity of the floodway or adversely affect existing drainage courses or facilities." NR 116.03(6)(b))

Another requirement for an acceptable flood plain zoning ordinance is that the local unit of government shall have a zoning administrator, planning agency and board of appeals. There must also be a system of permits for all new construction, reconstruction or moving of buildings and structures. There must also be regular inspection of permitted works in progress and "firm prosecution of any and all violations of plain zoning regulations". Prosecution is also authorized by sec. 87.30(2), Wis. Statutes, which provides that:

"Every structure, building, fill, or development placed or maintained within any flood plain in violation of a zoning ordinance adopted under this section, or s. 59.97, 61.35 or 62.23 is a public nuisance and the creation therefore may be enjoined and maintenance thereof may be abated by action at suit of any municipality, the state or any citizen thereof. Any person who places or maintains any structure, building, fill or development within any flood plain in violation of a zoning ordinance adopted under this section, or ss. 59.97, 61.35 or 62.23 may be fined not more than \$50 for each offense. Each day during which such violation exists is a separate offense."

If any county, city or village has not adopted a reasonable and effective flood plain zoning ordinance, the DNR is required to hold a public hearing, determine and fix by order the limits of any or all flood plains within the jurisdiction, and adopt a flood plain zoning ordinance applicable to the jurisdiction. The department must make a decision in writing of insufficiency of any county, city, or village flood plain zoning ordinance before adopting an ordinance superseding the local ordinance. Flood plain determinations and zoning ordinances so adopted may be modified by a local unit of government only with the written consent of the department. (sec. 87.30(1), NR 116.05(2))

In addition to its duty to review flood plain zoning ordinances and amendments, the DNR has the responsibility to ensure the compatibility of flood plain ordinances with county shoreland regulations, (see managed use 2(m), existing

zoning and any land use plan, to provide technical assistance and computer facilities for the necessary hydrologic, hydraulic and engineering studies, and to coordinate flood plain management with programs of other state or federal agencies (NR 116.04).

Section 144.46 provides that solid waste disposal sites and facilities are prohibited within areas under the jurisdiction of flood plain zoning regulations adopted pursuant to sec. 87.30, except that the department may issue permits authorizing sites and facilities in such areas.

In addition to these statutory and administrative rules, Executive Order #67 directs all state agencies to:

" . . . encourage a broad and unified effort to prevent the uneconomic use and development of the flood plains and wetlands of the State and . . . to ensure consistency of activities with rules and regulations regarding land use and flood plain and shoreland development and management as promulgated by the Department of Natural Resources"

- (c) Siting electrical generating and high voltage transmission facilities

No person may commence the construction of an electric generating facility (designed for nominal operation at a capacity of 12,000 kilowatts or more) or a high-voltage transmission line unless such person has applied for and received a certificate of public convenience and necessity from the public service commission, as provided in sec. 196.491(3). The commission shall hold a public hearing on an application for such a certificate and shall approve the application if it determines that:

1. The proposed facility is in substantial compliance with the most recent advance plan filed under sub. (2) and approved by the commission under sub. (2)(i), except the commission may waive the requirement of this subdivision for large electric generating facilities or high-voltage transmission lines if it finds that the need for the facilities or lines could not have been reasonably foreseen by the utility at the time of the filing or its most recent advance plan approved by the commission.
2. The proposed facility is necessary to satisfy the reasonable needs of the public for an adequate supply of electric energy.

3. The design and location or route is in the public interest considering alternative sources of supply, alternative locations or routes, individual hardships, engineering, economic, safety, reliability, and environmental factors.
4. The proposed facility will not have undue adverse impact on other environmental values such as, but not limited to, ecological balance, public health and welfare, historic sites, geological formations, the aesthetics of land and water and recreational use.
5. The proposed facility complies with the criteria under s. 196.49(4) if the application is by a public utility as defined in s. 196.01.
6. The proposed facility will not unreasonably interfere with the orderly land use and development plans for the area involved. (sec. 196.491(3)(d))

If the proposed electric generating facility or high-voltage transmission line is to be located adjacent to a waterway in such manner as to require one or more permits under chapter 30 or chapter 31, the electric utility may, in lieu of separate applications for permits under those chapters, submit an engineering plan together with any additional information requested by the DNR. Such plan shall be filed with the department within 20 days after an application for a certificate of public convenience and necessity is filed with the public service commission (sec. 30.025(1)). The department shall grant the necessary permits if, after hearing, it finds that the applicant has shown that the proposal:

- (a) Complies with environmental statutes administered by the department and rules adopted thereunder, and federal environmental standards which the department has authority to enforce;
- (b) Does not unduly affect:
 1. Public rights and interests in navigable waterways;
 2. The effective flood flow capacity of a stream;
 3. The rights of riparian owners; or
 4. Water quality ((sec. 30.025(3))

An additional requirement imposed on electric utilities is that each must biennially file a plan with the commission. This plan shall include such things as the general location, size, and type of facilities which are owned or operated by the utility or the construction of

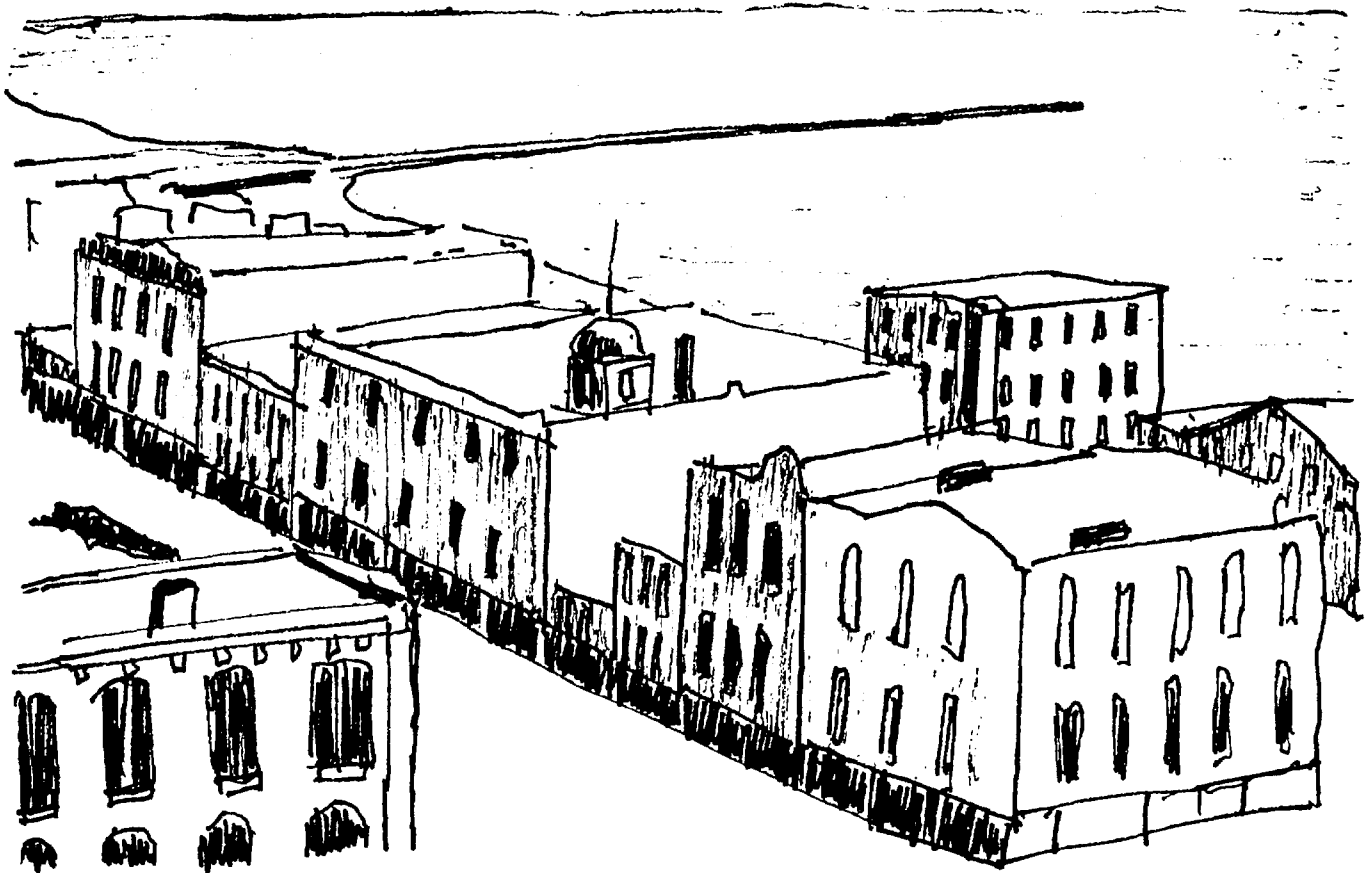
which is expected to commence within the next ten years; practical alternates to the general location, fuel type and method of generation of proposed electric generating facilities; the projected demand for electric energy; etc. (sec. 196.491(2)).

A copy of the plan shall be filed with the departments of administration, business development, health and social services, justice, local affairs and development, natural resources, and transportation, and with the regional planning commissions in an area where a facility is proposed. These agencies shall review the plan and comment on any statutory permits or approvals required by the agency and on areas in which the plan conflicts with the agency's plans, policies, programs, and functions. The commission shall prepare a single environmental impact statement, which shall include a discussion of generic issues, for all plans submitted for approval. (Sec. 196.491(2)(b),(c), and (f))

The commission shall approve a plan, if the commission determines that the plan:

1. Will provide a reasonably adequate supply of electrical energy to meet the needs of the public during the planning period;
2. Is in the public interest when considering engineering, economic, health, safety, reliability, efficiency and environmental factors and alternate methods of generation or sources of supply; and
3. Is reasonably coordinated with long-range plans and policies of other agencies or that a reasonable effort has been made to coordinate with such plans and policies.
4. Provides for programs which discourage inefficient and excessive power use.
(sec. 196.491(2)(i))

If any portion of the plan does not meet the above criteria, the commission shall disapprove the plan or portion thereof, or approve the plan subject to such modifications as may be necessary to meet those criteria. The commission shall either approve or disapprove each plan within 18 months after it is filed. (Sec. 196.491(2)(j) and (jm)).



(d) Constructing sewer and water utility facilities

Sec. 144.04 requires that every "owner" shall file with the DNR a certified copy of complete plans of a proposed water and sewerage system, or sewage and refuse disposal plant, or an extension of any of these. Such plans shall be in scope and detail satisfactory to the department and shall be in the form prescribed by NR 108.04. Within 90 days from the time of the receipt of the plans the department or its authorized representative shall examine and take action to approve, approve conditionally or reject the plans and shall state in writing any conditions of approval or reasons for rejection. (sec. 144.04)

General design requirements for water or sewerage systems are stated in NR 108.05:

- (1) Final plans and specifications shall incorporate accepted engineering practices. If new or innovative equipment or methods are proposed in the plans, sufficient data, based upon practical application, experimental or otherwise, shall be submitted to show that satisfactory results can be secured.

- (2) Sewerage treatment facilities and waterworks, exclusive of the distribution system, shall be designed to provide for the estimated requirements based on a projected 20-year growth. Water distribution and sewer collection systems shall be designed for the estimated ultimate tributary population. These requirements may be modified by the department where it can be shown that a shorter treatment plant design period is more cost-effective or that additional distribution or collection system capacity will be provided in a future phase of construction.

More specific requirements (particularly design criteria) applicable to all new or modified sewerage systems are contained in chapter NR 110. Chapter NR 111 contains requirements for the general operation, design and construction of public water supply systems or waterworks. The standards for design and construction in these two chapters of the Administrative Code are the minimum standards for new facilities and the standards to which existing facilities shall be upgraded when improvements are undertaken. Among the standards in chapter NR 110 is the provision that serves extensions shall not be approved unless adequate treatment capacity exists (NR 110.05).

If the department finds that a system or plant tends to create a nuisance or menace to health or comfort, it shall order the owner or the person in charge to secure such operating results as the department prescribes within a specified time. If the order is not complied with, the department may order designated changes in operation, and if necessary, alterations or extension to the system or plant, or a new system or plant. (sec. 144.025(r))

Of course, effluents from sewage treatment systems require water pollution discharge elimination system (W.P.D.E.S.) permits (see 1(h), above). Section 147.04(3) provides that all publicly owned treatment works shall use secondary treatment by July 1, 1977, and "best practicable waste treatment technology" by July 1, 1983. Effluent limitations (prescribing acceptable BOD, suspended solids, and pH) for publicly owned treatment works are contained in chapter NR 210. Chapter NR 211 sets forth pretreatment standards which are applicable to all non-domestic users of publicly owned treatment works.

In addition, NR 102.04 requires communities with a population of 2,500 and over in the Lakes Michigan and Superior basins to achieve an 85% reduction of phosphorus on an annual basis.

(e) Using private waste treatment and disposal systems

Private waste treatment and disposal systems are regulated by the department of health and social services and the department of natural resources.

Septic tanks and effluent absorption systems and other private treatment tanks and effluent disposal systems may only be constructed when no public sewerage system is available and upon approval of the department of health and social services (H 62.20(1)). Plans and specifications for such private systems must be submitted to the department in conformity with H 62.25 and are reviewed on the basis of the standards in H 62.20. Among these standards are the provisions that septic tanks and soil absorption systems must be located at least 25 feet and 50 feet, respectively, from any reservoir, lake, stream, or other watercourse (H 62.20(2)(d) and (e)). These standards also prohibit the installation of soil absorption systems in floodways. They may be installed in areas of the floodplain outside the floodway only with written approval from the department and the local government (H 62.20(2)(e) 4).

When a subdivision is not served by public sewers, the department of health and social services' plat review shall include a determination of whether the subdivision meets the minimum lot size and elevation requirements in chapter H 65. Sec. H 65.03(1) provides that the area of any lot shall be sufficient to permit the use of a sewage absorption system and one replacement system based upon the results of soil tests. The minimum lot width is 100 feet, and the minimum lot area is 20,000 to 30,000 square feet, depending on the results of soil percolation tests (H 65.03(2)). Ninety percent of the minimum lot area of each lot shall be above the regional flood elevation of a river, stream, or flow-through lake, or at least two feet above the highest known water elevation of any other water body (H 65.04(1)).

Chapter H 64 provides for the certification of soil testers by the department of health and social services. A plumber or septic tank installer may also be a soil tester and install any system after approval of the site or project by the department of health and social services or local county appointed administrator (sec. 145.045).

The DNR has a number of responsibilities with respect to private waste treatment and waste disposal systems. The DNR licenses and regulates persons in the business of servicing septic tanks (chapter NR 113). When the department finds that private sewage disposal systems or private water supply systems or both in towns are so located and operated that they tend to cause a menace to health or comfort, or pollution of surface waters, it may order the town board to establish a sanitary district or utility district (sec. 60.315).

Similarly, if the department finds that the absence of a municipal system or plant tends to create a nuisance or menace to health or comfort, it may order the city, village, town or town sanitary district embracing the area where such conditions exist to prepare and file plans of a corrective system and to construct such system within a specified time (sec. 144.025(r)). This statutory provision was upheld by the Wisconsin Supreme Court in Village of Sussex v. Dept. of Natural Resources, 68, Wis.2d 187, 228 N.W.2d 773 (1975).

In addition to these powers the DNR may prohibit the installation or use of septic tanks in any area where the department finds that the use of septic tanks would impair water quality. In such areas the department shall prescribe alternate methods for waste treatment and disposal. (Sec. 144.025(q)).

Privately owned sewage treatment works are also subject to the effluent limitations in chapter NR 210, administered by the DNR.

(f) Developing state owned facilities

The Bureau of Facilities Management (BFM) in the Department of Administration is involved in the formulation of the State Building Program. This bureau provides the staff support for the State Building Commission which is comprised of the Governor, three legislators from each house and the head of the bureau who acts as the non-voting secretary (sec. 13.48(1)). The statutory authority for the state building program and the obligations of the Commission are found in sections 13.48, 13.488, 20.710, 20.924 and Chapter 18 of the Wisconsin Statutes.

The focus of this agency is to coordinate the maintenance and acquisition of state facilities, including state office buildings, the university system and correctional institutions and to acquire land for all state agencies except for DNR. BFM also has the responsibility of supervising the state building program to ensure that state facilities are programmed, designed and constructed in accordance with executive and legislative intent. As of January, 1977, the state owned facilities were valued at \$2.8 billion.

Sec. 13.48(4) requires that each state agency contemplating a project under the State Building Program must report the proposed project to the State Building Commission. The commission shall review these reports and shall make its own report, which shall include recommendations and shall establish priorities from among the proposed projects (sec. 13.48(6)). Any construction, remodeling, or addition to any building or facility, involving a cost of more than \$15,000, requires the approval of the commission (sec. 13.48(10)).

The planning, design and construction of new physical facilities is subject to the state's environmental review process also. Sec. 1.11 requires environmental and economic impact statements for all major actions significantly affecting the environment, with agencies being specifically directed to study, develop and describe appropriate alternatives where there are unresolved resource use conflicts.

Pursuant to 1977 amendments of the statutes, the Building Commission and all other agencies of the state are required to consider in their long-range planning and facilities development the effects of proposed actions on properties identified on the Wisconsin inventory of historic places (sec. 44.22(7)). The historic preservation officer and historic preservation negotiating board shall negotiate with the agency proposing such action in an attempt to ameliorate any adverse effects on historic properties (sec. 44.22(8)). The negotiating board may require a public hearing to be held, if none has been held that included consideration of the effects on historic properties. The historic preservation review board's duties include reviewing and approving the distribution of federal grants-in-aid for preservation (sec. 44.22(4)).

Another 1977 amendment directs all agencies of the state to "investigate and consider the conservation of energy resources as an important factor when making any major decision which would significantly affect energy usage" (sec. 1.12).

- (g) Developing county and municipal facilities funded by non-formula state aids

State financial assistance for local water pollution control facilities and water supply systems is regulated primarily by the DNR. Sec. 144.21 authorizes the department to provide state assistance to municipalities and school districts for the construction of sanitary sewage collection systems and sewage treatment facilities. Sec. 144.22 provides that the department may make grants to municipalities for the construction or modification of municipal public water supplies. Sec. 144.23 authorizes the department to make grants for sewage collection systems and treatment facilities to municipalities which have a population of less than 10,000 and are unable to receive assistance in a timely manner from the federal government.

The regulation adopted by the DNR for the administration of sections 144.21, 144.22, and 144.23 are contained in Administrative Code chapters NR 125, NR 127, and NR 126, respectively. Each of these chapters set out what projects are eligible, ineligible projects, allowable costs, costs not allowable, standards for preliminary project evaluation,

the method for assigning priority ranks to projects, and the maximum amounts (%) of state grants.

State grants under sec. 144.21 shall not exceed 25% of eligible project costs, and the state grant plus grants from other non-local sources shall not exceed 75% of the eligible costs (NR 125.11(2)). Grants under sec. 144.23 shall not exceed 50% of eligible costs, and the total of non-local grants shall not exceed 80% of eligible costs (NR 126.11(2)). Grants offered under sec. 144.23 shall not exceed 25% of project costs, except in cases where there is a "vital need on the basis of present health hazards" and significant financial need, in which case the state may provide another 25% of eligible costs (NR 127.09(3)). In any event, the total of state and federal grants shall not exceed 80% of the project cost (NR 127.11(2)).

As the Wisconsin program develops, other non-formula grant programs may be added to this section.

(h) Laying out, altering, or discontinuing highways

The state DOT, has charge of all matters pertaining to expenditure of state and federal highway funds (sec. 84.01(2)). The DOT prepares the state highway plan (sec. 85.02). The DOT may acquire by gift, devise purchase or condemnation any lands for establishing, laying out, widening, enlarging, extending, constructing, reconstructing, improving and maintaining highways and other transportation related facilities (sec. 84.09(1)). The DOT may also order that all or part of the land or interests in land required for such purpose be acquired by the county highway committee (sec. 84.09(3)(a)), or by a board, commission or department of the city within whose limits the land is located (sec. 84.09(3m)). The DOT shall distribute "transportation aids" to counties and municipalities pursuant to a formula in sec. 86.30, adopted in 1977.

Highways may also be laid out and recorded by the town supervisors, the county board or a committee of the board, by commissioners appointed by the legislature, or by any other authority. Any portions of such highways which have been opened and worked for three years are legal highways (sec. 80.01(1)). Every highway shall cease to be a public highway at the expiration of 4 years from the time it was laid out, except such parts as were opened, traveled or worked within such time; and any highway which shall have been entirely abandoned as a route of travel, and on which no highway funds have been expended for five years, shall be considered discontinued (sec. 80.32(2)). When a highway is discontinued, the land shall revert to the owner or owners of the adjoining lands (sec. 80.32(3)).

When six or more resident freeholders wish to have a highway laid out, widened, altered or discontinued in their town, they may make application in writing to the town supervisors (sec. 80.02). A county board may also lay out, widen, alter, or discontinue highways in towns within its borders, but only upon the petition of at least 10 resident freeholders of each town in which such a change is proposed (sec. 80.39(1)(a)). In a county with a population of at least 150,000 the county board may proceed without such a petition, upon a two-thirds vote of the boards members (sec. 80.39(1)(b)). After such application, petition, or vote of the county board, the town or county must hold a hearing on the proposed change (secs. 80.05(1) and 80.39(3), respectively). Notice of such hearings shall be given to the DNR and to the board of soil and water conservation districts (secs. 80.05(2) and 80.39(2)). Town or county discontinuance of access to a navigable lake or stream is not effective unless approved by the DNR (sec. 80.41).

(i) Disturbing bridges

Sec. 86.07(2) provides that no person shall in any manner disturb any highway or bridge without a permit from the highway authority maintaining the highway or bridge. Such permit shall be subject to the conditions that the work shall be carried out according to such rules and regulations as may be prescribed by said authority and performed and completed to its satisfaction, and in the case of temporary alterations that the highway or bridge shall be restored to its former condition. In addition, the permittee shall be liable to the town or county or state, as the case may be, for all damages which occur during the progress of said work or as a result thereof. (Sec. 86.07(2))

Bridges in or over navigable waters are also subject to regulation by the DNR under chapter NR 320. NR 320.01 provides that:

"The purpose of this chapter is to provide uniform clearance and flood flow standards for the department's review and approval of bridges over and in the navigable waters of this state. Clearance and flood flow requirements are necessary to prevent obstruction to navigation and to protect human life and health and to minimize property damage and other economic losses."

(j) Abandoning any rail line or service

Rail line and service abandonment is, for the most part, regulated at the federal level, with the Interstate Commerce Commission being the regulator.

At the state level, the Department of Transportation has the authority to determine whether railroad property has been abandoned, and whether it is in the best interests of

the state to acquire such property (sec. 195.199(4)). Section 195.199, created in 1977, provides that railroad property shall be deemed abandoned if:

- (a) A certificate or approval of abandonment has been issued by the Interstate Commerce Commission or any other federal or state agency having jurisdiction over the abandonment of such property and operations have been terminated in accordance with the certificate or approval; or
- (b) Such certificate or approval of abandonment is not required and the use of such property for railroad or railway purposes has been discontinued with the intent not to resume. Intent not to resume may be inferred from circumstances including, but not limited to, the following:
 - 1. If the property is not used for railroad purposes for 2 consecutive years.
 - 2. If the facilities on the property are removed or rendered unfit for service.
 - 3. If the property is used for other than railroad purposes. (Sec. 195.199(3))

The department shall have the first right to acquire, for present or future transportation, recreational or scenic purposes, any abandoned railroad property. Acquisition may be by gift, purchase or condemnation in accordance with the procedure under sec. 32.05. No person owning abandoned railroad property shall convey or dispose of such property without first obtaining a written statement from the department indicating that it does not intend to exercise its right to acquire the property. (Sec. 195.199(2))

Upon its own initiative, the department may determine at any time whether the property of the railroad is abandoned and whether it is in the best interest of the state to acquire such property. In addition, the department is required to make such a determination within 90 days after a request to do so by any state agency, railroad, or any county or municipality in which the property is located. In making its decision, the department shall consider long-range potential for use of such property for restoration of railroad service and for public transit. The department shall solicit the opinions of appropriate state agencies, affected counties and municipalities, and other interested persons. (Sec. 195.199(4))

- (k) Constructing or establishing a new airport

New airports may not be established or activated until the state secretary of transportation issues a certificate of approval (section 114.134, Wisconsin Statutes). The certificate may be issued if the secretary finds the proposed airport is compatible with existing and planned transportation

facilities in the area. The secretary may hold a public hearing before the issuance of a certificate and shall grant a hearing at the request of any applicant after any refusal to issue a certificate.

Sec. 114.11 allows any county, city, village or town in the state to construct airports or landing fields or landing and take-off strips. Any of these local units of government desiring to sponsor an airport development project to be constructed with federal aid and state aid, or with state aid alone, shall file a petition with the secretary of the Department of Transportation (sec. 114.33(2)). The proposed airport site shall become a portion of the state airport system if it is approved by the secretary after a hearing and then approved by the Governor (sec. 114.33(3)). The Department of Transportation may initiate and sponsor an airport project in the same manner as a local governing body. The department may install, operate and maintain air navigator facilities with or without federal aid and may enter into agreements with sponsors to share the maintenance and operation costs of such facilities (sec. 114.33(1)).

- (1) Platting subdivisions that create five or more lots of 1 1/2 acres or less

The platting of subdivisions is governed by chapter 236 of the Wisconsin Statutes. Sec. 236.03(1) requires that any division of land which creates five or more parcels or building sites of 1 1/2 acres each or less shall be surveyed and a plat thereof approved and recorded as required by this chapter.

The location of the proposed subdivision determines who the approving local authority or authorities shall be, as provided in sec. 236.10:

- (a) If within a municipality, the governing body, but if the plat is within an area, the annexation of which is being legally contested, the governing bodies of both the annexing municipality and the town from which the area has been annexed shall approve.
- (b) If within the extraterritorial plat approval jurisdiction of a municipality:
 1. The town board; and
 2. The governing body of the municipality if, by July 1, 1958, or thereafter it adopts a subdivision ordinance or an official map; and
 3. The county planning agency if such agency employs on a full-time basis a professional engineer, a planner or other person charged with the duty of administering zoning or other planning legislation.

- (c) If outside the extraterritorial plat approval jurisdiction of a municipality, the town board and the county planning agency, if there is one.

Unless the proposed subdivision is located in a city of the first class (Milwaukee), the plat must be submitted for state review to the head of the planning function of the department of local affairs and development, who shall examine the plat for compliance with sections 236.15, 236.16, 236.20, and 236.21(1) and (2). Additional copies for review are required by sec. 236.12(2) under the following circumstances:

- (a) ...if the subdivision abuts or adjoins a state trunk highway or connecting street, the head of the planning function shall transmit two copies to the highway commission so that agency may determine whether it has any objection to the plat on the basis of its rules as provided in s. 236.13. If the subdivision is not served by a public sewer and provision for such service has not been made, the head of the planning function shall transmit two copies to the department of health and social services so that agency may determine whether it has any objection to the plat on the basis of its rules as provided in s. 236.13. In lieu of this procedure the agencies may designate local officials to act as their agents in examining the plats for compliance with the statutes or their rules by filing a written delegation of authority with the approving body.
- (b) Four copies to the county planning agency, if such agency employs on a full-time basis a professional engineer, a planner or other person charged with the duty of administering planning legislation so that body may determine if it has any objection to the plat on the basis of conflict with park, parkway, expressway, major highways, airports, drainage channels, **schools**, or other planned public developments; or where no planning agency exists, then two copies to the county park commission, if the subdivision abuts a county park or parkway so that body may determine if it has any objection to the plat on the basis of conflict with the park or parkway development.

General requirements for the approval of plats are set forth in sec. 236.13:

(1) Approval of the preliminary or final plat shall be conditioned upon compliance with:

- (a) The provisions of this chapter;
- (b) Any municipal, town or county ordinance;
- (c) Any local master plan or official map;
- (d) The rules of the department of health and social services relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by a public sewer, where provision for such service has not been made;
- (e) The rules of the highway commission relating to provision for the safety of entrance upon and departure from the abutting state trunk highways or connecting streets and for the preservation of the public interest and investment in such highways or streets.

(2) (a) As a further condition of approval, the governing body of the town or municipality within which the subdivision lies may require that the subdivider make and install any public improvements reasonably necessary or that he execute a surety bond to insure that he will make those improvements within a reasonable time.

(b) Any city or village may require as a condition for accepting the dedication of public streets, alleys or other ways, or for permitting private streets, alleys or other public ways to be placed on the official map, that designated facilities shall have been previously provided without cost to the municipality, but which are constructed according to municipal specifications and under municipal inspection, such as, without limitation because of enumeration, sewerage, water mains and laterals, grading and improvement of streets, alleys, sidewalks and other public ways, street lighting or other facilities designated by the governing body, or that specified here:

(2m) As a further condition of approval when lands included in the plat lie within 500 feet of the ordinary high watermark of any navigable stream, lake or other body of navigable water or if land in the proposed plat involves lake or stream shorelands referred to in s. 236.16, the department of natural resources, if it deems it necessary for the prevention of pollution of navigable waters, or the department of health and social services, if it deems it necessary for the protection of public health and safety, may require assurance of adequate drainage areas for private sewage disposal systems and building setback restrictions, or provisions by the owner for public sewage disposal facilities for waters of the state, industrial wastes and other wastes, as defined in s. 144.01. Such public sewage disposal facilities may consist of one or more systems as the department of natural resources or the department of health and social services determines on the basis of need for prevention of pollution of the waters of the state or protection of public health and safety.

(3) No approving authority or agency having the power to approve or object to plats shall condition approval upon compliance with, or base an objection upon, any requirement other than those specified in this section.

(4) Where more than one governing body or other agency has authority to approve or to object to a plat and the requirements of such bodies or agencies are conflicting, the plat shall comply with the most restrictive requirements.

(Note that in 1977 the reference to the highway commission in (1)(e) was changed to the department of transportation.)

Further, if the plat is on a navigable body of water or stream, a right of way to a navigable body of water may either be provided by a subdivision under the requirements of sec. 236.16 or may be condemned by a county board under sec. 23.09(8). Sec. 236.16(3) provides that:

All subdivisions abutting on a navigable lake or stream shall provide public access at least 60 feet wide providing access to the low water-mark so that there will be public access, which is connected to existing public roads, at not more than one-half mile intervals as measured along the lake or stream shore except where greater intervals and wider access are agreed upon by the department of natural resources and the head of the planning function, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this chapter may be vacated except by circuit court action.

(m) Using rural shorelines

The Wisconsin Water Resources Development Act (Chapter 614 Laws of Wisconsin 1965) created section 59.971, Wisconsin Statutes, which required the adoption of zoning regulations in unincorporated shorelands within 1000 feet of lakes, (including the Great Lakes) ponds and flowages and 300 feet of navigable streams or to the landward side of the flood plain, whichever distance is greater. Shorelands also include lands underlying navigable waters.

Section 59.97(4), Wisconsin Statutes, follows traditional lines and enables counties to zone their unincorporated areas for the purpose of ". . . promoting the public health, safety and general welfare." Shoreland regulations are drawn to meet these general purposes as well and are supplemented by the following specific environmental purposes: ". . . to further the maintenance of safe and healthful conditions; prevent and control water pollution, protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses and reserve shore cover and natural beauty." (Section 144.26(1), Wisconsin Statutes).

To achieve these goals, a broader interpretation of the term "zoning" than is generally applied was necessary. Accordingly, regulation of land divisions and private on-site waste disposal systems has been required by the Department of Natural Resources. In many cases, these regulations have been integral parts of a shoreland protection ordinance including zoning, sanitary, and land-subdivision regulations.

County Ordinance Adoption

The law designated the Department of Resource Development (now the Department of Natural Resources) to play an "active" role in county shoreland regulations in two areas.

Initially, the department was to prepare standards and criteria which the county ordinances were required to meet to comply with the act. To develop the standards, the department coordinated a joint-agency, multidisciplinary effort. Staff of the Department of Resource Development and representatives from the USDA Soil Conservation Service, State Conservation Department, Department of Health, and most important, the University of Wisconsin--Extension, cooperated not only in drafting standards as contained in a model ordinance and manual but also in many meetings conducted throughout the state to explain the proposed standards, gauge reaction, and obtain local support for the regulatory effort. While gathering together the many specialists involved in the project was unwieldy and often time consuming, the products and thus the conduct of the program benefitted from this broadbased effort.

The standards were first adopted in a policy statement by the Natural Resources Board and then subsequently made part of the Wisconsin Administrative Code as Chapter NR 115.

The second area of involvement was directed by section 59.971(6), Wisconsin statutes. This section provides that if a county did not adopt a shoreland zoning ordinance by January 1, 1968, or if, after notice and hearing, the department "determines that a county has adopted an ordinance which fails to meet reasonable minimum standards of s.144.26(1), the department shall adopt such an ordinance." Sec. NR 115.04(3) of the Administrative Code provides that if a county fails to adopt an acceptable ordinance the department has three options: it may allow the county to proceed with regulation formation or modification for a given period of time; the department may draft the regulations; or the department may contract with a consultant to draft the regulations.

The threat of state intervention in many cases and an admitted need for action in others has resulted in the adoption of shoreland ordinances by all counties. Although the January 1, 1968 deadline was not met, there was no state adoption of an ordinance. While direct state intervention in drafting and adopting ordinances may have initially expedited the actual enactment of ordinances, the Department of Natural Resources felt that a longer-term goal of better enforcement would result if the counties were allowed to draft and enact their own ordinances. Accordingly, to assure that progress was being made, the department maintained close scrutiny through frequent county meetings and contracts with regional planning agencies charged with drafting ordinances for their constituent bodies. By this means, the responsibility for enacting shoreland regulation was kept before the counties. In some counties the "low-profile" regulatory approach was not effective. The Department of Natural Resources

was not satisfied with the progress being made in 20 counties (of 71). In the fall of 1970, after notice, pre-enforcement conferences, and public hearings, orders with stringent time constraints for the adoption of ordinances were issued to these counties. Adoption of regulations then followed within a reasonable time period established by order with one exception. This required a further hearing which prompted county action and eventual compliance.

Surveillance of County Enforcement Activities

As the appropriate ordinances were adopted, the counties submitted them to the department for final review. The adequacy of the county regulations was determined by comparing them with the state minimum standards as contained in sec. NR 115.03. These standards involve establishment of zoning districts, land division controls, sanitary regulations, and administrative and enforcement provisions. As noted above, failure to meet these minimum standards could result in state intervention. When the final review indicated all requirements had been met and the appropriate administrative mechanisms established within the county, the department issued a certificate of compliance to the county. All 15 coastal counties have received certificates of compliance.

The department's participation and review did not end with the approval of the ordinances. The certificate of compliance not only acknowledged the adoption of the regulations but also reiterated the requirement of NR 115.03(4)(f) stating that the department shall receive copies of applications and timely notice of hearings on amendments, variances and special exceptions (conditional uses). The purpose of this requirement was to allow the department to monitor the activities of the counties in subject areas where changes in the ordinance are likely to occur. At present, the required information is submitted to department district offices where the Flood Plain-Shoreland Program Coordinator reviews each application and notice. In cases where the intent of the change is unclear or it is apparent that a resource or resource area is threatened, contact is made with the county and, if necessary, testimony is provided at the hearing. There is frequent informal contact with all counties so the department is usually aware of possible problems far ahead of the notice review. The rapport that has been established with the counties has assisted in deterring problems before they start.

The matter of prime concern in this review process is the amendment of ordinances to provide lesser standards than required in NR 115 or to change the zoning designation of lands to allow a use which may not be appropriate for that area. The department feels early review and close contact with the counties has precluded this from happening. An item that has assisted this process has been the firm department position that use variances are actually amendments and must follow the zoning amendment procedures of the Wisconsin Statutes. This position has prevented possible abuses of the ordinance.

The district staff also reviews appeals for special exceptions (conditional uses) mainly to assure that appropriate conditions are required and enforced.

Variances are of lesser importances because of the firm position taken on use amendments. To wit, it is recognized that the relaxation of certain dimensional requirements is necessary in those cases where the applicant can display that the shape, size or location of his property imposes an unnecessary hardship and practical difficulty to strictly conform to the provisions of the ordinance. Variances must meet this test before being granted by Boards of Adjustment, and judicial action can be commenced should this standard not be met. See Snyder v. Waukesha County Zoning Board of Adjustment, 74 Wis. 2d 468 (1976), for a discussion of the standards to be used when granting variances to county shoreland ordinances.

In addition to and conjunction with this review of amendments, special exceptions and variances, the department may continue to review and reevaluate the county ordinances in order to ascertain their effectiveness in maintaining the quality of Wisconsin water (NR 115.04(2)(b)). Ordinances which fail in this respect shall be deemed noncomplying and must be modified to meet the minimum standards within a time limit established by the department (NR 115.04(3)).

Further assistance is rendered by the department staff upon request of the county. Help in revising zoning provisions, delineating the ordinary high watermark and assessing potential impacts of a project is provided by both district and central office staff. In addition department staff conduct training sessions for zoning personnel, appeal boards and planning and zoning committees.

The assurance of continued effective enforcement is also of strong concern. This potential problem is handled by the close scrutiny of appeals as previously mentioned, continued contact with the counties (both individually and through their statewide association), and with the assistance of the network of department field personnel. This effort is coordinated by staff of the Bureau of Water Regulation and Zoning located in the main office.

Sec. NR 115.03(4) provides that an acceptable ordinance must contain administrative and enforcement provisions, including regular inspection of permitted work in progress and the prosecution of all violations of the ordinance. Actions against violators of an ordinance can also be brought pursuant to sec. 59.97(11). Sec. 59.97(2)(a) states that all provisions of sec. 59.97 (which concerns county zoning in general) shall

apply to shoreland zoning ordinances, except as otherwise specified. Sec. 59.97(11) provides that county zoning ordinances "shall be enforced by appropriate fines and penalties." It also provides that ordinances may be enforced by injunctive order, not only at the suit of the county, but also at the suit of the owner or owners of real estate within the district affected by the ordinance.

An example of county enforcement of a shoreland zoning ordinance is presented by the well known case, Just v. Marinette County, 56 Wis. 2d 7, 201 N. W. 2d 761 (1972). In this case Marinette County sought an injunction to restrain the Justs from placing fill material in a wetland on their property without first obtaining a conditional use permit as required by the shoreland ordinance. The county also sought to impose a fine for the violation. The Justs sought a ruling that the ordinance was unconstitutional, particularly insofar as it prohibited the filling of wetlands. The Wisconsin Supreme Court affirmed the ruling of the trial court that the ordinance was valid and that the Justs were subject to a forfeiture of \$100. The court concluded that the requirement in the Navigable Waters Protection Act for counties to pass shoreland zoning ordinances (sec. 59.971) was a valid exercise of the "active public trust duty of the State of Wisconsin in respect to navigable waters" (56 Wis. 2d 18).

In view of the court's reasoning in Just that the regulation of shoreland and wetlands is part of the state's "public trust duty", the Attorney General or a citizen of the state would have standing under the public trust doctrine to ensure that the department is carrying out its public trust responsibilities under sec. 59.971 and Chapter NR 115.



Sec. 144.26(5) requires the department to prepare a comprehensive plan as a guide for the application of municipal ordinances for the preventive control of pollution. This plan shall be based on a use classification of navigable waters and their shorelands and shall be governed by standards provided in this subsection.

Sec. 144.26(7) states that "the department, the municipalities and all state agencies shall mutually cooperate to accomplish the objective of this section."

(n) Emitting air pollutants from point sources

Sec. 144.39(1) states that the DNR "shall require that notice be given to it prior to the construction, installation or establishment of particular types or classes of air contaminant sources specified in its rules." These rules make up part of chapter NR 154. Within 15 days after the receipt of such notice the department shall require "the submission of plans, specifications and such other information as it deems necessary in order to determine whether the proposed construction, installation or establishment will be in accordance with applicable rules in force..." (sec. 144.39(1)). The department has 30 days from when it receives the plans and specifications in which to issue an analysis to the effect of the proposal on ambient air quality. (Ambient air quality standards are contained in chapter NR 155.) The department shall receive written comments on the proposal and analysis and within 90 days of the receipt of the plans shall issue an order either prohibiting or approving the proposed construction.

Sec. 144.39(2) provides that:

In lieu of state view of plans and specifications, the department may authorize counties which are administering approved air pollution control programs to review and approve plans and specifications of air contaminant sources being constructed within the jurisdiction of said counties.

A county, after consultation with incorporated units of local government, may establish and administer an air pollution control program within its jurisdiction, including incorporated areas, pursuant to sec. 144.41. Such a program shall provide by ordinance for "requirements compatible with or stricter or more extensive than those imposed by sections 144.30 to 140.46 and rules issued thereunder" (sec. 144.41(1)(a)). Local programs must be compatible with the department's regulations and implementation plan, avoid duplication, and satisfy the specific standards in NR 154.07. It is the policy of the department "to seek reasonable uniformity among local air pollution control ordinances in order to make the statewide comprehensive program more effective and less complicated for all persons concerned" (Foreward to chapter NR 154).

Sec. 144.36 directs the department to prepare and implement "one or more comprehensive plans for the prevention, abatement and control of air pollution in this state." As a result, Administrative Code Chapter NR 154 was established "to maintain standards of air quality at a level which will provide adequate protection to public health and welfare, and to prevent detrimental effect on property and our environment" (Foreward to chapter NR 154). Chapter NR 154 includes the following subject matter: registration of new sources (NR 154.03), a list of types of new air contaminant sources which require the filing of a notice of intent (NR 154.04), procedures for acting on such notices and standards for approving or prohibiting proposed sources (NR 154.05), departmental access to information and inspection of sources (NR 154.06), standards for county and regional programs (NR 154.07), limitations on open burning (NR 154.10), enforcement procedures and penalties (NR 154.08), and types of emergency action which can be taken and when they can be taken. Chapter NR 154 also contains specific limitations for emissions of particulates, sulfur, sulfur compounds, organic compounds, carbon monoxide, nitrogen compounds, emissions from motor vehicles, and malodorous emissions (NR 154.11 to NR 154.18).

Chapter NR 155 was created to establish ambient air quality standards in order to be consistent with national ambient air standards adopted by the EPA. The foreward in chapter NR 155 states that these standards are "... objectives to be achieved by these and other rules of the department, by regional implementation plans, and by enforcement programs of both state and local governments as population, industrial activity, and land use changes." Section NR 155.03 sets forth the primary and secondary standards for sulfur oxides, suspended particulate matter, carbon monoxide, photochemical oxidants, hydrocarbons, and nitrogen dioxide. No local programs may grant variances or permits in conflict with the department's implementation plan for that region (NR 155.06(1)). Where air quality is better than secondary standards but the department determines that a new source or sources will cause "significant degradation" of air quality, the department shall hold a hearing in the affected area to assess the public attitude on permitting such a source (NR 155.06(4)).

The department may order any person to reduce emissions below limits established in an implementation plan or by air pollution control rules, if the emissions cause or substantially contribute to exceeding an air standard in a localized area (NR 155.06(2)). If the secretary of the department finds that a generalized condition of air pollution exists and creates an emergency requiring immediate action to protect human health or safety the secretary shall order persons causing or contributing to the air pollution to reduce or discontinue immediately the emission of contaminants. A hearing shall be held within 24 hours following the issuance of such an order, after which the natural resource board shall affirm, modify, or set aside

the order of the secretary (sec. 144.40(1)). In the absence of a generalized condition of pollution of this type, if the secretary finds that emissions from the operation of one or more sources cause imminent danger to human health and safety, the secretary may order the persons responsible for the operations in question to reduce or discontinue emissions immediately. A hearing shall be held as described above (sec. 144.40(2)).

(o) Obtaining drinking water [see 1(i) above]

(p) Using pesticides

A pesticide review board in the department of health and social services was created pursuant to sec. 15.195(1). This board has the responsibility of collecting, analyzing and interpreting information, as well as making recommendations to and coordinating the regulatory and informational responsibilities of state agencies, on matters relating to the use of pesticides. Pesticide rules authorized by sections 29.29(4) and 94.69 are not effective until approved by the review board (sec. 140.77).

Sec. 29.29(4) authorized the DNR to adopt rules governing the use of any pesticide that it finds is a serious hazard to wild animals other than those it is intended to control. These rules are contained in chapter NR 80. NR 80.02(1) provides that, except as noted in NR 80.03, any person desiring to apply a "limited use pesticide" outdoors shall obtain a permit from the secretary of the department or his designated agent who will act after recommendation of the pesticide review board. "Limited use pesticides" are listed in NR 80.01(4). NR 80.03 states a number of exemptions to the permit requirement. One of the exemptions is for treatments made for aquatic nuisance control in waters of the state pursuant to sec. 144.025(2)(i). Such treatments require permits from the department under chapter NR 107.

Chapter NR 107 requires that the sponsors of chemical aquatic nuisance control projects on waters of the state must obtain a permit from the DNR, except for treatments of swimming pools, waste holding tanks, etc. (NR 107.01 and 107.08). The rules in this chapter provide the conditions for permits, including requirements for the posting of areas of public use (NR 107.05), conditions under which onsite supervision by the department may be waived (NR 107.04), and requirements for the issuance of field evaluation use permits (NR 107.06).

Sec. 94.69 authorizes the department of agriculture to adopt rules for the regulation of pesticides. Chapter Ag 29, adopted pursuant to this statute, includes: a classification of pesticides and restrictions on each class (Ag 29.02); requirements for the registration of commercial applicators and sellers (Ag 29.06); restrictions on storage (Ag 29.07), sale and display (Ag 29.08), application, use and disposal

(Ag 29.10); conditions when the department may direct the removal from sale of pesticides (Ag 29.09); and conditions when the department may issue emergency use permits for purposes otherwise prohibited under the rules (Ag 29.03).

Sec. 134.67 prohibits the distribution, sale and use of DDT, except where the pesticide review board finds that there is a serious epidemic disease of humans, animals, or plants which can only be effectively controlled by the use of DDT.

(q) Using outdoor advertising

Outdoor advertising in areas adjacent to interstate highways is regulated by sec. 84.30. This section provides that, with certain specified exceptions, no sign may be erected or maintained if it is visible from the main-traveled way of any interstate or federal-aid highway.

One of the more significant exceptions is for signs in a business area. This is an area which is zoned for business, industrial or commercial activities under the authority of the laws of the state, or which constitutes an unzoned commercial or industrial area, as defined in sec. 84.30(2)(k). Signs in business areas may be regulated by a bona fide county or local zoning authority, if it has made a determination of customary use, as to size, lighting and spacing. In all other business areas signs are subject to the detailed criteria provided in sec. 84.30(4).

Signs which are not in conformity with sec. 84.30 may be removed or relocated by the highway commission (sec. 84.30(5) and (11)). If these signs were lawfully erected, just compensation is required (sec. 84.30(6)).

Sec. 84.30(10) provides that no person shall engage in the business of outdoor advertising in areas subject to this section without first obtaining a license from the highway commission. The license shall not be granted unless the applicant either resides in the state or files with the highway commission a bond payable to the state and with a surety approved by the attorney general, in the sum of \$5,000 conditioned upon the licensee observing and fulfilling all applicable provisions of sec. 84.30.

Although sec. 84.30 applies only to interstate highways, sections 86.19 and 86.191 apply to all public highways. Sec. 86.19(1) provides that no sign shall be placed within the limits of any street or highway except such as are necessary for the guidance or warning of traffic or as provided by sec. 66.046. Sec. 86.191 states that:

No person shall erect or cause to be erected any advertising, direction, guide, warning or other sign or

marker within any public highway within a distance of 1,000 feet from the intersection of any two or more highways, when such intersection is beyond the corporate limits of any city or village, unless permission is first obtained from the officials charged with the maintenance of such highways.

(r) Mining of metallic minerals

In 1973 the Legislature passed the "Metallic Mining Reclamation Act" (sec. 144.80 through 144.94 of the statutes), the purpose of which is to:

...provide that the air, lands, waters, fish and wildlife affected by prospecting or mining in this state will receive the greatest practicable degree of protection and reclamation."(sec. 144.80)

The Act gave the DNR the primary responsibility for ensuring that this goal is carried out. The Act also created a mine reclamation council (sec. 15.347(8)), which is directed to "work as a liason between the department and the metallic mining industry" and to "advise the department on matters relating to reclamation of mined land..." (sec. 144.815)

The first requirement that may be faced by mining operators is obtaining a prospecting permit from the DNR (sec. 144.84). However, the definition of "prospecting" is limited to exploration which disturbs 3 tons or more for each acre of surface area located within 300 feet of the ordinary high-water mark of a navigable stream or 1,000 feet from a lake, or 100 tons or more for each acre of surface area located beyond these 300 and 1,000 feet limits (sec. 144.81(12)). The department shall deny a prospecting permit if it finds that the operation will not comply with the minimum standards in Wisconsin Administrative Code sec. NR 130.05 (which includes requirements for a reclamation plan) or with the provisions of sections 144.80 to 144.94, Wisconsin Statutes. The department shall also deny the permit if the applicant has previously failed and continues to fail to comply with sections 144.80 to 144.94, or has within the previous five years forfeited any bond posted pursuant to mining activities within the state (NR 130.09). The applicant must have insurance covering all its prospecting operations in the state and "affording personal injury and property damage protection in a total amount deemed adequate by the department but not less than \$50,000." (NR 130.08). A prospecting permit shall be subject to the following conditions:

- (1) Requisite corrective measures to insure compliance with this chapter.
- (2) Environmental rehabilitation techniques to the employed.

- (3) Other conditions which the department deems necessary to safeguard the natural resources of this state during and after the prospecting operation. (NR 130.07)

Although exploration which disturbs less than the tonnage amounts discussed above does not fall within the statutory definition of "prospecting" and, therefore, does not require a permit, NR 130.02 requires mining companies to file a notice of intent to drill any drillhole. This section of the Administrative Code states that because of the similarity between drillholes intended for mineral exploration and those constructed to serve as water wells, "it is the department's policy to require such exploration drillholes to be permanently or temporarily abandoned in a manner similar to the procedures outlined in Wisconsin Administrative Code Chapter NR 112," which applies to water wells.

Sec. 144.85 requires that the operator of a new or existing mine must apply for and receive a mining permit. The application for a mining permit shall include: a description and detailed map of the proposed project site; a detailed mining and reclamation plan; evidence that the mining and reclamation plan conform with all applicable zoning ordinances and that the operator has applied for the necessary approval, licenses or permits required under other sections of the statutes; and such other pertinent information as the department requires (sec. 144.85(3)). Reclamation is defined as the rehabilitation of the project site, including the "establishment of vegetative cover, stabilization of soil conditions, prevention of water pollution and where practicable, restoration of fish, plant and wildlife" (sec. 144.81(15)). The department can also require a comprehensive long-term plan for the entire area which may be affected by the mine and which is owned, leased or under option for purchase or lease by the operator at the time of application (sec. 144.85(4)(b)).

Within 60 days of the receipt of an application, the department shall hold a hearing which may cover all required approvals, licenses, permits, environmental impact statements and other matters under the jurisdiction of the department (sec. 144.85(4m)). The department shall issue the permit, if after consultation with the mine reclamation council it finds that the proposed mining and reclamation plan is reasonably certain to result in reclamation of the project site consistent with the statutes and chapter NR 131. (sec. 144.85(5)). A permit approval may include conditions or requirements deemed necessary by the department to insure mining and reclamation in a manner consistent with NR 131.07 (NR 131.07(3)(i)).

After approval of a permit, but prior to the commencement of mining, the operator must file with the department a bond conditioned upon faithful performance of the mining and reclamation plan and a certificate of liability insurance. The

total amount of the bond shall equal the cost of reclamation, as calculated by the department. Upon approval of the operator's bond, application and certificate of insurance, the department shall issue written authorization to commence mining in accordance with the approved mining and reclamation plans (sec. 144.86).

If the department finds a violation of law at a project site, including unapproved deviation from the mining and reclamation plan, it shall order the operator to comply within a specified period of time. The department shall cancel the mining permit for a project site held by an operator who fails to comply with the order (sec. 144.91(1)). Any person holding a prospecting or mining permit who violates the Metallic Mining Reclamation Act, the department's rules (chapters NR 130 and NR 131), or any order, shall be fined not less than \$10 and not more than \$5,000 for each day of violation (sec. 144.93(3)).

The removal of minerals from beneath the beds of navigable waters also requires a contract from the department under sec. 30.20(2). (See managed use 1 (b) above).

TABLE SIX: INFORMATION ON LOCAL LAND USE PROGRAMS IN THE COASTAL AREA

<u>Counties</u>	<u>Shoreland Zoning</u>	<u>Floodplain Zoning</u>	<u>Subdivision Ordinance</u>	<u>Sanitary Code</u>	<u>General Zoning</u>			
					<u># of Coastal Towns w/shore Frontage</u>	<u># adopting Co. Gen. Zoning</u>	<u># adopting Town Zoning</u>	<u># w/o Gen. Zoning</u>
Douglas	yes	no	yes	yes	3	3	0	0
Bayfield	yes	no	yes	yes	9	9	0	0
Ashland	yes	no	yes	yes	2	1	1	0
Iron	yes	no	yes	yes	1	1	0	0
Door	yes	yes	yes	yes	12	4	0	8
Marinette	yes	no	no	no	1	N/A	1	0
Oconto	yes	yes	yes	yes	4	2	1	1
Kewaunee	yes	yes	no	yes	5	N/A	0	5
Brown	yes	yes	yes	yes	3	N/A	2	1
Manitowoc	yes	yes	yes	yes	5	3	1	1
Sheboygan	yes	yes	yes	yes	4	N/A	4	0
Ozaukee	yes	yes	yes	yes	3	N/A	3	0
Racine	yes	yes	yes	yes	2	1	1	0
Kenosha	yes	yes	yes	yes	2	2	0	0
Milwaukee	N/A	N/A	N/A	N/A	No Civil Towns	N/A	N/A	N/A
<u>Totals:</u>	14 yes	9 yes 5 no	12 yes 2 no	13 yes 1 no	56	26	14	16

Office of State Planning and Energy
October, 1976

TABLE SIX, (continued)

NAME:	Miles of Shore Frontage (Estimated)	Population (1974 Estimates)	Legal Classification	Zoning Ordinance	Subdivision Ordinance
<u>Cities and Villages</u>					
<u>SOUTHEAST</u>					
1. Bayside	2.08	4,690	Village	Yes	Yes
2. Cudahy	2.58	22,120	3rd Class	Yes	Yes
3. Fox Point	2.77	8,039	Village	Yes	Yes
4. Kenosha	5.21	82,839	2nd Class	Yes	Yes
5. Mequon	6.06	14,271	4th Class	Yes	Yes
6. Milwaukee	8.33	683,146	1st Class	Yes	Yes
7. S. Milwaukee	3.13	23,881	4th Class	Yes	Yes
8. North Bay	.34	253	Village	Yes	No
9. Oak Creek	4.45	15,672	4th Class	Yes	Yes
10. Port Washington	2.00	9,538	4th Class	Yes	Yes
11. Racine	5.02	94,905	2nd Class	Yes	Yes
12. Shorewood	1.23	14,874	Village	Yes	Yes
13. St. Francis	1.89	9,995	4th Class	Yes	Yes
14. Whitefish Bay	2.77	16,699	Village	Yes	No
15. Wind Point	2.56	1,320	Village	Yes	Yes
<u>BAY-LAKE</u>					
1. Algoma	2.63	3,951	4th Class	Yes	Yes
2. Cleveland	1.14	934	Village	Yes	Yes
3. Egg Harbor	5.32	204	Village	No	No
4. Ephraim	4.48	242	Village	Yes	No
5. Green Bay	10.10	85,541	2nd Class	Yes	Yes
6. Howard	4.22	6,042	Village	Yes	Yes
7. Kewaunee	2.33	2,935	4th Class	Yes	No
8. Manitowoc	5.18	33,063	3rd Class	Yes	Yes
9. Marinette	3.33	12,272	3rd Class	Yes	Yes
10. Oconto	3.00	5,000	4th Class	Yes	No
11. Sheboygan	5.54	49,246	2nd Class	Yes	Yes
12. Sister Bay	2.66	535	Village	Yes	Yes
13. Sturgeon Bay	8.66	7,212	4th Class	Yes	Yes
14. Two Rivers	3.26	13,400	3rd Class	Yes	Yes
<u>NORTHWEST</u>					
1. Ashland	8.48	9,255	3rd Class	Yes	No
2. Bayfield	1.36	841	4th Class	Yes	No
3. Superior	11.89	31,183	2nd Class	Yes	No
4. Washburn	3.75	2,009	4th Class	Yes	Yes
<u>TOTALS</u>					
33 Incorporated areas on the Great Lakes	137.75	1,239,107	22 Cities 11 Villages	32 of 33	No
22% of Coastline		64% of Coastal Counties' Population		27% of State Population	

ZONING SUMMARY

State Planning Office
August 1976

78% of coastline is under county shoreland zoning

21% of coastline is under municipal zoning

1% of coastline is unzoned

C. Powers to Acquire Interests in Land

1. Public Acquisition in General

Governmental bodies can acquire interests in land either by voluntary grant (negotiated purchase, gift, or grant) or by involuntary sales (condemnation). Such interests in land are of two general types - "fee" interests and "less than fee" interests (such as easements).

Of course, in Wisconsin there is generally no need for public acquisition of interests in submerged lands, because submerged lands under navigable lakes are held by the state in trust for the public. However, some lands underlying the Great Lakes, usually in harbors, were conveyed into municipal ownership by the state in earlier times, notwithstanding the public trust doctrine. (See the program's report Lake Bed Grants for more details).

The power of state and local units of government to acquire interests in land derives from the sovereignty of the state (Ferguson v. Kenosha, 5 Wis.2d 556, 93 N.W.2d 460 (1959); State ex rel. Evjue v. Seyberth 9 Wis.2d 274, 101 N.W.2d 118 (1960)), as well as from the following grant of authority in article XI, sec.3a of the Wisconsin Constitution:

Acquisition of lands by state and subdivisions; sale of excess. SECTION 3a. [As created Nov. 1912 and amended Apr. 3, 1956] The state or any of its counties, cities, towns or villages may acquire by gift, dedication, purchase, or condemnation lands for establishing, laying out, widening, enlarging, extending, and maintaining memorial grounds, streets, highways, squares, parkways, boulevards, parks, playgrounds, sites for public buildings, and reservations in and about and along and leading to any or all of the same; and after the establishment, layout, and completion of such improvements, may convey any such real estate thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such real estate, so as to protect such public works and improvements, and their environs, and to preserve the view, appearance, light, air,

and usefulness of such public works. If the governing body of a county, city, town or village elects to accept a gift or dedication of land made on condition that the land be devoted to a special purpose and the condition subsequently becomes impossible or impracticable, such governing body may by resolution or ordinance enacted by a two-thirds vote of its members elect either to grant the land back to the donor or dedicator or his heirs or accept from the donor or dedicator or his heirs a grant relieving the county, city, town or village of the condition; however, if the donor or dedicator or his heirs are unknown or cannot be found, such resolution or ordinance may provide for the commencement of proceedings in the manner and in the courts as the legislature shall designate for the purpose of relieving the county, city, town or village from the condition of the gift or dedication.

This constitutional provision was considered in Ferguson v. Kenosha (supra). The plaintiff in this case argued that sec. 3a of article XI prohibited both the state and the city from exercising the power of eminent domain to acquire land for airport purposes, because such purpose was not enumerated. The Wisconsin Supreme Court rejected this argument, stating that:

The right of eminent domain is inherent in sovereignty and exists in a sovereign state without any recognition in its constitution. Therefore, it does not depend for its existence on a specific grant in the constitution. Muscoda Bridge Co. v. Worden-Allen Co. (1928), 196 Wis. 76, 86, 219 N.W. 428....Because airports are not listed among the specifically enumerated purposes stated in such section, it is argued that the rule of construction of "expressio unius est exclusio alterius" is applicable. We do not deem such rule of construction should be invoked where the result will be to limit the plenary power of the legislature by implication....

We hold that sec. 3a. art. XI, Const., is not a limitation upon the state's inherent power of eminent domain. Therefore, the legislature has it within its power to authorize any state agency or political subdivision to condemn lands, or interests therein, for any public purpose.

The court's reasoning would apply with equal force to acquisition by negotiated purchase.

2. Acquisition of Land by the State

In Ferguson, discussed above, the Wisconsin Supreme Court ruled that the state legislature may authorize any state agency or political subdivision to condemn lands for any public purpose. The statute in question in that case, sec. 114.33, is just one of many sections of the Wisconsin Statutes which give a state body the power to acquire lands or interests in lands. This particular section establishes a procedure by which the Department of Transportation or any county, city, village or town may initiate and sponsor an airport development project. If any lands or interests therein needed for the project cannot be purchased expeditiously for a price deemed reasonable by the secretary of transportation, they may be condemned, as provided in sec. 32.05, by the secretary (sec. 114.33(7)) or by a sponsoring municipality (sec. 114.33(e)(a)).

The broadest grant of condemnation power in the Wisconsin Statutes is in sec. 32.02. This section provides that municipalities, public boards and commissions, and various corporations can exercise condemnation power "for any lawful purpose." (sec. 32.02(1)). The state-level bodies included in the specified governmental units are "public boards and commissions" and the Department of Health and Social Services. In 1977 the statute was amended to include "departments" in this list.

The 1977 amendments also created sec. 32.02(15), allowing the transportation department to exercise condemnation powers for the acquisition of abandoned railroad and utility property, and sec. 32.02(16), granting the Department of Natural Resources condemnation powers for acquisition of lands and waters, subject to the approval of the appropriate legislative standing committees. The Wisconsin solid waste recycling authority is also given general condemnation powers (sec. 32.02(14)).

The rules for condemnation of property are set forth in Chapter 32 (sec. 32.04, et seq.). Sec. 32.04 provides that these rules apply to "all acquisition of property in this state by condemnation," rather than just the types authorized in sec. 32.02. In addition to the statutory and common law rule that condemnation must be for a public use or purpose, sec. 32.07 requires that a necessity be shown. The right to declare what constitutes a public purpose and when condemnation is necessary is vested in the legislative body (Schurn v. Milwaukee County, 258 Wis. 256, 45 N.W.2d 673 (1951); Swenson v. Milwaukee County, 266, Wis. 129, 63 N.W.2d 103 (1953)). The courts will not overturn such a legislative determination unless it is manifestly arbitrary or unreasonable (David Jaffrey Co. v. Milwaukee, 267 Wis. 559, 579, 66 N.W.2d 362 (1954)). Sec 32.09(9) sets out rules for determining just compensation.

The DNR is granted acquisition authority in many sections of the statutes, including sec. 32.02(1). Although that section does not specifically mention the DNR, it does include "public boards and commissions." In Martineau v. State Conservation Commission, 46 Wis.2d 443, 175 N.W.2d 206 (1970), the Wisconsin Supreme Court indicated that the natural resource board of the DNR has general condemnation power under that section. However, the court held in that case that the natural resource board did not have power by condemnation to acquire lands lying within the boundaries of an established state forest, but rather was limited to grants, devises, gifts, or purchases of such property.

The court reasoned that sec. 28.02(2), which only authorized the voluntary acquisition of state forest lands, repealed by implication those parts of sec. 23.09 (discussed below) and sec. 32.02(1) which seemingly authorized the condemnation of state forests. Sec. 28.02(2) was amended in 1977, however, to allow the DNR to condemn lands for state forest purposes, if the department first obtains approval from the appropriate standing committee of each house of the legislature.

Sec. 23.09(2)(d) provides that the department may acquire by purchase, lease, agreement, gift, or with the approval of the appropriate standing committees in each house, by condemnation, lands or waters suitable for the following purposes: 1) state forests, 2) state parks, 3) public hunting, trapping or fishing, 4) fish hatcheries and game farms, 5) forest nurseries and experimental stations, and 6) the preservation of endangered species. Sec. 27.01(2)(a) also authorizes condemnation of land and water by the DNR for state park purposes, contingent on the approval of the senate and assembly committees on natural resources. Chapter 29, Laws of 1977 created sec. 23.091, which allows DNR to acquire lands and waters for state recreation areas. Sec. 30.18(8) provides that when the department determines that it is necessary to raise the water level in any navigable stream or lake it may acquire any lands which will be damaged. This section authorizes condemnation pursuant to Chapter 32, if the department cannot acquire the right to flow such lands by agreement with the owner. Newly created sec. 23.14 requires that prior to the initial acquisition of any lands by DNR for any new facility or project, the proposed acquisition shall be subject to gubernatorial approval.

Created in 1977, sec. 195.199 states that the Department of Transportation shall have the first right to acquire, for present or future transportation, recreational or scenic purposes, any abandoned railroad property through gift, purchase or condemnation. The Department of Transportation is authorized by sec. 84.105 to acquire rights of way and easements necessary for the proposed national parkway development by gift, purchase, "or by exercising the right of eminent domain in any manner that may be provided by law for the acquirement of lands for public purposes" (sec. 84.105(6)). Sec. 84.09 gives the Department power to acquire by gift, devise, purchase, or condemnation any lands for laying out, widening, enlarging, constructing, reconstructing, improving and maintaining highways and roadside parks.

In Kamrowski v. State, 31 Wis.2d 256, 142 N.W.2d 793 (1966), the Wisconsin Supreme Court upheld the authority of the Highway Commission to condemn scenic easements. The DNR also has the authority to "acquire any and all easements in the furtherance of public rights . . . which may be lawfully acquired for the benefit of the public" (sec. 23.09(10)). This grant of authority does not explicitly include the power to condemn property.

3. Acquisition of Land by Local Units of Government

Sec. 32.02(1), discussed above, provides that any county, town, village, city, soil and water conservation district, or school district may acquire real estate by condemnation for any public purpose. This same subsection also gives condemnation power to public boards and commissions, but provides that in the case of city and village boards or commissions, the approval of the governing body is required. Subsection (11) of this section grants condemnation power to any municipal housing authority created under secs. 66.40 to 66.404, any redevelopment authority created under sec. 66.431, and any community development authority created under sec. 66.4325.

Sec. 32.02 also provides that utilities, including locally owned corporations, have condemnation powers. For example, sec. 32.02(8) grants condemnation authority to "any Wisconsin corporation organized to furnish water or light to any city or village or the inhabitants thereof, for the construction and maintenance of its plant."

In addition to the general grant of condemnation power in sec. 32.02, cities, villages, and towns are given the authority to acquire interests in land for any public purpose (secs. 61.34(3), & (3m), 62.22(1) & (1m), 60.18(12) & (14), respectively). Included in the acquisition authority of these three local units of government is the power to condemn scenic easements. For cities, sec. 62.23(17) specifically provides authority to acquire by gift, lease, purchase or condemnation any lands within their corporate limits for the purposes of establishing, enlarging, extending and maintaining memorial grounds, streets, squares, parks, playgrounds and sites for public buildings. Municipalities are also specifically authorized to condemn land in order to make harbor improvements, (secs. 30.30(5) and 30.31(4)) or to construct and maintain dams (sec. 31.38(3)).

Chapter 27 of the Wisconsin Statutes deals specifically with public parks and recreation, including the purchase, lease or condemnation of park areas. Park areas may be acquired by these methods not only by the DNR (sec. 27.01(2)(a), discussed briefly above) but also by a county park commission (sec. 27.05(3)), a county board (secs. 27.015(10) and 27.065), a city park board (sec. 27.08(2)(b) & (c)), a city board of public land commissioners (sec. 27.11(4)(b)), a town, or a village (sec. 27.13).

Public access to navigable bodies of water can be acquired by several methods in addition to the park powers noted above. Under sec. 23.09(9) any county, town, city, or village may apply for state funds to acquire land providing public access to a navigable lake or stream. In addition to negotiated purchases, cities, towns, and villages can also acquire easements for access to navigable bodies of water under their general condemnation powers, discussed above. In addition, sec. 60.18(15) provides that town boards may acquire by condemnation sufficient tracts of land for the reservation for public use of lake shores and river fronts.

Another means of providing public access to navigable bodies of water is by subdivision dedication. Sec. 236.16(3) provides that all subdivisions abutting navigable lakes and streams must provide public access to the water. Unless otherwise agreed, the subdivider must provide access that is at least 60 feet wide and connected to existing roads at intervals of not more than one-half mile. Under sec. 236.29, a municipality may require a subdivider to dedicate to the public a part of his Platted land in order to meet demands on the municipality which are created by the influx of people into the community to occupy the subdivision lots (Jordan v. Menominee Falls, 28 Wis.2d 608, 620, 137 N.W.2d 442 (1965)).

Sec. 80.41 provides that a town or county board or a committee thereof can not discontinue any highway, street, alley, or right of way which provides public access to any navigable lake or stream, without the approval of DNR.

Until a city or village actually acquires an interest in land, it may reserve the land for streets, highways, parkways, parks, playgrounds (secs. 61.35 and 62.23(6)). Once such a facility is properly shown on the official map of the city or village, no building may be constructed within the mapped area without a permit. If no permit is obtained, no compensation is made for the building when the highway or park is acquired.

Several non-general purpose units of government also have land acquisition powers. This includes, for example, school districts (sec. 66.24(4)). Another example of a special purpose unit having condemnation authority is a flood control board. These boards, which are appointed by the governor, have the power to condemn lands as necessary for the construction of improvements in flood control (sec. 87.12(6)).

D. Applicability of Local Regulations to the State

1. Section 13.48

As a general rule local regulations or restrictions "do not apply to the state or any of its subdivisions or agencies, unless the legislature has clearly manifested a contrary intent" (8 McQuillin, Municipal Corporations (3rd), sec. 25.15 at 45). In Wisconsin the legislature has indicated such a "contrary intent" in one area - zoning. In 1973 the Wisconsin legislature amended sec. 13.48 (13) to read as follows:

(13) EXEMPTION FROM LOCAL ORDINANCES AND REGULATIONS. Where any building, structure or facility is constructed for the benefit of or use of the state or any state agency, board, commission or department, such construction shall be in compliance with all applicable state laws, codes and regulations but such construction shall not be subject to the ordinances or regulations of the municipality in which the construction takes place except zoning, including without limitation because of enumeration, ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions of any nature whatsoever. This subsection applies to any construction hereafter commenced. (Emphasis added)

Prior to the 1973 amendment, which added "except zoning", this subsection was a codification of the common law principle (discussed in detail below) that the state and its agencies are not subject to local regulations. This subsection supersedes the common law rule solely with respect to the zoning of buildings, structures or facilities constructed since 1973.

It should be noted that this amended "exemption from local ordinances and regulations" applies to any construction "for the benefit or use of the state..." (sec. 13.48 (13)), regardless of whether the construction is by the state or by a private building corporation. In a 1970 opinion the Attorney General stated that "it is immaterial that the project is being constructed by the private corporation rather than the state for it is in all respects a state building devoted to governmental functions." (59 OAG 62,66)

Section 13.48 does not apply to roads and bridges which are part of the state highway commissions transportation program. According to sec. 13.48 (10), "This section applies to the highway commission only in respect to buildings, structures and facilities to be used for administrative, laboratory, residential, storage and public exhibition functions." The highway commission (which is part of the Department of Transportation) has taken the position that it will co-operate with local units of government as much as possible in meeting the letter and spirit of local zoning ordinances, including shoreland zoning, but that it is under no legal obligation to obtain a local permit.

2. Common Law

a. Applicability

When a state project does not involve the construction of a "building, structure, or facility", sec. 13.48 (13) is inapplicable and the common law takes force. An example of such a situation is the question considered by the Attorney General's Office shortly after the 1973 amendment of sec. 13.48 (13) (63 OAG 34). The issue was whether foster homes are immune from local zoning ordinances. The Attorney General concluded that "foster homes owned, operated or contracted for by the Department of Health and Social Services or a county agency are immune from local zoning ordinances", but that foster homes owned, operated or contracted for by licensed child welfare agencies are not immune. The Attorney General reasoned that sec. 13.48 (13) would apply to the construction of any new foster home facilities by the department or a county agency, but does not apply to the use of existing buildings. (63 OAG 34,38-39).

b. The traditional theory of state immunity from local regulation

The Attorney General's opinion regarding the application of zoning regulations to foster homes is based to a large extent on the "well-established principle that the state and its agencies are not subject to general statutes or municipal ordinances unless a statute specifically provides otherwise." (63 OAG 34, 36). This principle was first applied in *Milwaukee v. McGregor*, (1909), 140 Wis. 35, 121 N.W. 642, in which the court held that City of

Milwaukee's building code was not applicable to a building being constructed by the State Board of Normal School Regents. The court stated that "general prohibitions, either express or implied, apply to all private parties, but 'are not rules for the conduct of the state'." (140 Wis. 35,37)

The McGregor decision has been relied on by a number of subsequent decisions, including at least one zoning case, Green County v. Monroe (1958), 3 W. 2d 196, 87 N.W. 2d 827. In this case the Wisconsin Supreme Court held that a county, required by sec. 59.68 to provide a jail at the county seat, is not subject to the city's zoning ordinance in the location and construction of a proposed new jail. The court concluded that the principle of state immunity was applicable to the county in this situation because the county was acting as an agent of the state. It should be noted, however, that the decision would be different today under the amendment to section 13.48 (13) which makes local zoning applicable to all new construction.

Two 1970 Attorney General's opinions also concluded that local regulations do not apply to the state and its agencies or instrumentalities. First, the Attorney General concluded that the dispensing or serving of fermented malt beverages on the campus of a state university would not be subject to local regulation under sec. 66.054, which authorizes municipalities to license and zone establishments selling such beverages. (59 OAG 55) Second, the Attorney General concluded that "state building projects that necessitate construction of utility services, sidewalks, driveway entrances, etc. are not subject to municipal control or regulation whether such construction is done directly by the state or for the state by the building corporation of the state." (59 OAG 62)

c. Recent decisions

Although the decisions discussed above and many others affirmed and expanded the McGregor principle of state immunity from local regulation, this principle was modified in a 1971 case, Hartford Union High School v. City of Hartford, 51 W. 2d 591, 187 N.W. 2d 849. This case held that construction of an addition to a public high school by the school district was subject to the provisions of a municipal building code.

The court discussed the traditional theory of sovereign immunity from local regulation, but stated that:

The more modern approach to the problem admits the building of public schools is a part of education and may be a state function but recognizes immunity of the school district, not because of sovereignty but because the state has affirmatively acted in such a comprehensive manner as to preempt the area and thus exclude any application of policy power...(187 N.W. 2d 849,850).

The court applied this test and concluded that:

While this building code is quite detailed and specifically covers public and private schools, nevertheless, it was promulgated as minimum standards of performance for the design, construction, and alteration of buildings and expressly does not purport to preempt the field. (187 N.W. 2d 849,852)

The court was influenced by the fact that sec. 101.101 (4) in the state building code for public buildings requires the Department of Industry, Labor and Human Relations to accept the inspection of buildings by authorized building inspectors employed by cities of the first, second and third classes. The court also emphasized a section in the Administrative Code which provides that the building code "shall not limit the power of cities, villages and towns to make, or enforce, additional or more stringent regulations" (Ind. 50.04, Wis. Admin. Code, quoted at 187 N.W. 2d 849,852).

One might have argued at the time that Hartford all but overruled the McGregor doctrine of state immunity from local regulation, but subsequent decisions do not seem to support such a conclusion. In a 1976 decision, State ex rel. Wisconsin Dept. of Public Instruction v. Wisconsin Dept. of Industry, Labor and Human Relations, 68 Wis. 2d 677, 229 N.W. 2d 591, (hereinafter referred to as DPI v. DILHR) the court held that the state and its agencies are not included within the terms of the Fair Employment Act making it unlawful for an employer, labor organization, licensing agency or person to refuse to hire or employ an individual because of sex. The court based this ruling largely on the fact that the state was not explicitly included in the definition of

"employer". The court "urgently suggested" that the legislature should amend the Act so as to include the state, but nevertheless concluded that since the Act did not explicitly include the state in its coverage the court's hands were tied. (229 N.W. 2d 591, 593)

The direction of modern decisions is summarized by McQuillin (8 Municipal Corporations (3rd ed.), sec. 25.15 at 38):

The current tendency of the court is to avoid precise formulae or ritualistic criteria and to determine the issue of immunity based upon the broad test of the legislative intent with respect to the particular governmental agency or function involved.

This statement is an accurate description of the trend in Wisconsin cases, illustrated by Hartford, however, it should also be added that if the intent of the legislature is not clear there is a strong presumption in Wisconsin that the state is immune from the general statute or ordinance. As DPI v. DILHR illustrates, failure of the legislature to explicitly include the state in the scope of a statute must be interpreted, in light of the long-standing principle of state immunity, to mean that the legislature did not intend to include the state in the statute's coverage.

The Attorney General's "foster home opinion" (63 OAG 34), discussed above, is an example of a situation where the competing interests of state immunity and the local exercise of power under the zoning enabling statutes had to be balanced. Surprisingly, this opinion barely mentions the Hartford decision and does not specifically discuss "legislative intent". However, the decision that foster homes owned, operated or contracted for by the state are immune from local zoning can be reconciled with Hartford's emphasis on legislative intent by looking at the Attorney General's summary of the problem:

The group foster home program is being thwarted, however, by local zoning ordinances which, if applicable, restrict them to areas zoned for boarding house, hotel or commercial use. Such areas are generally inappropriate for foster homes. (63 OAG 34,35).

Thus, implicit in the opinion in the view that the legislature's program would be thwarted by subjecting foster homes to local zoning ordinances adopted under the zoning enabling statutes.

d. Limitations upon state immunity

Two limitations upon the theory of state immunity from local zoning should be briefly discussed. First, as mentioned above, the Attorney General concluded in the "foster home opinion" that homes owned, operated or contracted for by child welfare agencies licensed by DILHR are not immune from local zoning. The Attorney General stated:

Privately owned facilities...Issuance of a license to private individuals allowing them to care for foster children in their home cannot be construed as a franchise or agency agreement vesting the licensee with sovereign prerogatives. (63 OAG 34,38).

This reasoning would also apply to other types of activities requiring licenses from the state. For example, the fact that a metallic mineral mine requires a permit and is subject to extensive state regulation is not sufficient to immunize it from local zoning requirements.

According to Metzenbaum (2 Law of Zoning (2d ed.) p. 1289), quoted in Green County, 3 Wis. 2d 196, 198-199, another limitation on the theory of state immunity from local zoning regulation is the requirement that "the buildings are used for 'governmental' and not merely for 'proprietary' uses". This particular point was discussed in a 1969 Attorney General's Opinion (58 OAG 91) which considered the question of whether a county zoning ordinance applied to lands held by the United States in trust for the Winnebago Indian Tribe and used by the Indians for private souvenir stands. The Attorney General concluded that "the operation of private souvenir stands on trust lands is not the type of federal "governmental function" which would make such use exempt from the zoning laws" (58 OAG 91, 96). According to this opinion, parking meters, state office buildings, schools, court-houses, fire departments, and waterworks were the types of governmental functions which could not be prohibited by local zoning ordinances. Of course, this was prior to the 1973 amendment of sec. 13.48 (13) which authorizes local zoning of new construction by the state and its agencies.

The 1969 Winnebago opinion was withdrawn by a 1976 Attorney General's Opinion which concluded that "the state does not have jurisdiction to require the application of the Wisconsin Administrative Code to the construction of buildings on Oneida Reservation trust land" (65 OAG 276,282). This conclusion was based on the principle of internal tribal sovereignty and on the ruling in Bryan v. Itasca County (1976), 96 S. Ct. 2102, that P.L. 280 does not confer general state regulatory control over Indian reservations. Although the reasoning in the 1969 opinion that "proprietary" uses of land are not immune from regulation is no longer valid with respect to Indian trust lands, this reasoning should still apply with respect to local regulation of state projects.

III. Assuring Coordinated Implementation

A. State Agency Cooperation and Consistency

1. Executive Order

a. The role of an executive order

The executive order is potentially an important tool for setting up the framework of Wisconsin's proposed coastal management program. Regardless of the type of state level body that is created or how it is created, an additional measure or measures will still probably be necessary to ensure that state agencies cooperate with this body (which will frequently be referred to as the "Coastal Council" or simply the "Council"). One possible measure, which has frequently been suggested as a means of fulfilling this function, is the issuance of an executive order directing state agencies to cooperate with the Council and to act consistently with state coastal policies.

An executive order for the implementation of a management program might also have a number of functions, such as:

- (1) Creating the Coastal Management Council, assigning it functions; and setting its membership;
- (2) Designation of an agency to administer the program;
- (3) Establishing a program of financial and technical assistance to state agencies, local governments desiring assistance, regional planning commissions, and tribal governments;
- (4) Mandating public participation, creating a Citizens Advisory Committee and assigning it functions; and
- (5) Establishing a program boundary.

Most of these functions can be carried out by executive order without raising significant problems from a legal perspective. However, creating the Coastal Council and its duties and directing state agencies to cooperate with it, do raise some rather complex legal issues and will be considered in detail. This is particularly true should there be a need to bind agencies to policies not grounded in existing state law.

But before discussing the adequacy of using an executive order for directing state agencies to cooperate or for creating the "Council" (see part B, below), an examination of the general scope of executive authority is needed.

b. Executive Orders Generally

An executive order is a declaration promulgated by either a president or governor to implement powers delegated to his office by constitution or statute. Such declarations generally require government officials or private citizens to act in a given way. [Favoriti, "Executive Orders - Has Illinois a Strong Governor Concept?", Loyola University Law Journal 295, 1976]

In some states, sometimes referred to as "strong governor" jurisdictions, provisions vesting or delegating the "executive power" in the governor are, in themselves, general grants of executive power. Specific grants of constitutional power appearing thereafter are merely directions or mandates as to the manner in which the general grants of power are to be exercised. Thus, in such jurisdictions, the general provisions alone would authorize the governor's promulgation of an executive order. [Favoriti, at pp. 297-298]. In many states, however, constitutional provisions concerning the distribution of powers, or vesting the executive power in the governor, are viewed as declaratory and do not confer any specific power. [16 C.J.S. 845, Constitutional Law, § 167. For a general discussion on these points see Note, "Gubernatorial Executive Orders As Devices for Administrative Direction and Control," Iowa L. Rev. 78 (1964).]

c. Executive Authority in Wisconsin

Article V, section 1, of the Wisconsin Constitution provides that "[t]he executive power shall be vested in a governor". Section 4 of Article V sets forth more specific powers and duties of the governor. Among these is the provision that the governor shall:

...transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws be faithfully executed.

Section 14.01, Wis. Stats., provides that "[t]here is created an executive office under the direction and supervision of the governor." The specific statutory responsibilities of the executive office are listed at length in section 14.011.

The Wisconsin courts have never resolved the issue of whether Wisconsin is a "strong" or "weak" governor state. Arguments could be made on both sides, but the answer is probably academic in view of the express grant of power to the governor in section 16.54, considered at length below.

d. Section 16.54

Section 16.54 of the Wisconsin Statutes provides perhaps the most far-reaching and comprehensive source of authority for an executive order to implement Wisconsin's management program. This section reads as follows:

16.54 Acceptance of federal funds. (1) Whenever the United States government shall make available funds for the education, the promotion of health, the relief of indigency, the promotion of agriculture or for any other purpose other than the administration of the tribal or any individual funds of Wisconsin Indians, the governor on behalf of the state is authorized to accept the funds so made available. In exercising the authority herein conferred, the governor may stipulate as a condition of the acceptance of the act of congress by this state such conditions as in his discretion may be necessary to safeguard the interests of this state.

(2) Whenever funds shall be made available to this state through an act of congress and acceptance thereof as provided in sub. (1), the governor shall designate the state board, commission or department to administer any of such funds, and the board, commission or department so designated by the governor is authorized and directed to administer such fund for the purpose designated by the act of congress making an appropriation of such funds, or by the department of the United States government making such funds available to this state.

(4) Any board, commission or department of the state government designated to administer any such fund, shall, in the administration of such fund, comply with the requirements of the act of congress making such appropriation and with the rules and regulations which may be prescribed by the United States government or

by the department of the federal government making such funds available.

(5) Whenever any agency of the federal government shall require that as a condition to obtaining federal aid the state agency entrusted with the administration of such aid shall submit a budget, plan, application, or other project proposal, then the budget, plan, application or proposal shall, before it is submitted to the federal authorities for approval, first be approved by the governor and reported to the joint committee on finance while the legislature is in session and at other times to the board on government operations.

(8) The governor may accept for the state the provisions of any act of congress whereby funds or other benefits are made available to the state, its political subdivisions, or its citizens, so far as the governor deems such provisions to be in the public interest; and to this end the governor may take or cause to be taken all necessary acts including (without limitation because of enumeration) the making of leases or other contracts with the federal government; the preparation, adoption and execution of plans, methods, and agreements, and the designation of state, municipal or other agencies to perform specific duties.

(7) The governor may accept for the state at all times the provisions of any act of congress whereby funds are made available to the state for any purpose whatsoever, including the school health program under the social security act, and perform all other acts necessary to comply with and otherwise obtain, facilitate, expedite, and carry out the required provisions of such acts of congress.

(8) The governor, through the secretary, shall notify the board on government operations at least quarterly of any federal funds received or positions created, pursuant to this section, in excess of those approved in the biennial budget or budget review process.

Although sec. 16.54 has never been considered in the Wisconsin courts, it has been the subject of numerous attorney general opinions, starting with an opinion in 1946 (35 OAG 465). The issue considered in that opinion was whether the industrial commission had authority to undertake administration in Wisconsin of a system of public employment offices predicated upon a federal law which amended and substantially changed the Wagner Peyser Act referred to under sec. 101.37, Wisconsin Statutes.

At that time, the acceptance of federal funds was governed primarily by sec. 101.34(1) Stats., which empowered the governor "to accept for the state the provisions of any act of congress whereby funds or other benefits are made available to the state, its political subdivisions, or its citizens, so far as the governor may deem such provisions to be in the public interest" and to "take or cause to be taken all necessary acts including...the preparation, adoption and execution of plans, methods, and agreements, and the designation of state...agencies to perform specific duties."

The attorney general concluded that sec. 101.37, Stats. only authorized the industrial commission to administer the provisions of the original act, approved by congress in 1933, and did not authorize the commission to administer the amendments.

It is our opinion that the industrial commission would not have such authority without further action by the state legislature or by the governor, but that such authority could be granted the commission by the governor under sec. 101.34, Wis. Stats. (35 OAG 135)

In essence then, sec. 101.34, Stats., constitutes a legislative delegation to the governor of the power to grant state agencies the authority to administer federal programs. The attorney general also noted, however, that this power is not unlimited.

There are no doubt constitutional limitations on the power of the governor under sec. 101.34, such as that he could not accept conditions which would violate or be inconsistent with positive provisions or the spirit of any legislative enactments. Assuming that the conditions imposed by the congress for cooperation between the state and federal governments are not inconsistent with other state statutes, we believe that the governor might accept the conditions imposed by congress and authorize the industrial commission to operate under those conditions.
(35 OAG 135, 136)

A specific constitutional limitation on the power delegated to the governor by sec. 16.54, Stats., was first considered in an attorney general's opinion in 1964 (53 OAG 60). The issue was whether under sec. 16.54 the governor could create a commission (by executive order) to accept and administer the benefits made available to public and private institutions of higher learning under the Higher Education Facilities Act of 1963.

The attorney general found two difficulties in using sec. 16.54 as a source of authority for an executive order creating a new commission to accept and administer the benefits of the federal act. The first problem was with the word "designate" in that part of 16.54(2) which provides that "the governor shall designate the state board, commission or department to administer any of such funds." The attorney general concluded that "[t]he word designate is not synonymous with the word 'create'." (53 OAG 60, 63)

The second and more significant reason for ruling that the governor could not use 16.54 as a source of authority for creating a commission was the conclusion that to so construe the statute "might be invalid as an attempted delegation of legislative power to the governor." (emphasis added) Although the construction of the statute may be of some significance for the governor's administration of Wisconsin's Coastal Zone Management Program, the more important point to note is simply that there are constitutional limitations on the governor's authority under 16.54. These constitutional restraints apply to the construction of 16.54 itself, as well as to the construction or delineation of the powers which the state agencies may exercise under the federal programs.

The constitutional restraints imposed on the Department of Public Instruction by Art. I, sec. 18 of the Wisconsin Constitution have been the subject of a number of attorney general's opinions, including a 1974 opinion (63 OAG 473). The basic question presented was whether the department could implement the school lunch program and special service plan for children (under the School Lunch Act) in secular and sectarian private schools and child care institutions. The attorney general concluded that the department, if so authorized under sec. 16.54, Stats., could implement the program. He stated:

I therefore conclude, notwithstanding the ever present possibility that a constitutional infirmity could arise in implementation of the Act, that neither the United States nor Wisconsin Constitutions prohibit your agency from administering the National School Lunch Act in parochial schools. (63 OAG 473, 484) (emphasis added)

Here again, it is very important to note that the attorney general found that the department could implement the program under sec. 16.54, despite the fact that it might not have had such authority under any other statute:

A persuasive argument can be made that the authority provided by sec. 115.34(1), Stats., is limited to contracting with public schools. We need not consider whether the section is so limited since the governor has, pursuant to sec. 16.54(1) and (2) Stats., authority to accept federal funds and designate the agency to administer such funds. (63 OAG 473, 475)

The attorney general went on to say that the program was to be administered under the federal rules and regulations and that the department was empowered by sec. 16.54(2), "to do whatever is necessary to administer the program within the previously discussed confines of the United States and Wisconsin Constitution." (p. 488)

Section 16.54 was also considered in another 1974 attorney general opinion (63 OAG 453), which is discussed in somewhat more detail below with respect to creation of the "Coastal Council." This opinion concerned a Tri-County Comprehensive Employment and Training Act Consortium which was proposed to be formed for the purpose of receiving federal funds for manpower training and education. The attorney general concluded that the counties would not have the power to form such a Consortium under other statutes, but that the governor could grant them this power under § 16.54:

Under subsec. (6), the Governor could designate counties as agencies to carry out the provisions of the federal act within their respective areas. Counties could then enter into agreements with other counties or with municipalities to qualify as prime sponsors. The provisions of sec. 16.54 (6), Stat., are presumed constitutional and the legislature intended that the Governor have such power with respect to federal legislation enacted after sec. 16.54, Stats., became law. (63 OAG 453, 464)

It appears that no one has ever challenged sec. 16.54 (or actions taken thereunder) as an unconstitutional delegation of legislative power, but it is very unlikely that such a challenge would be sustained. One reason for this conclusion is subsection (5) of 16.54 which provides that:

(5) Whenever any agency of the federal government shall require that as a condition to obtaining federal aid the state agency entrusted with the administration of such aid shall submit a budget, plan, application, or other project proposal, then the budget, plan, application or proposal shall, before it is submitted to the federal authorities for approval, first be approved by the governor and reported to the joint committee on finance while the legislature is in session and at other times to the board on government operations.

The fact that the state agency administering federal funds must first be designated by the governor and then is subject to review by the state legislature is likely to be a sufficient check on the administration of the funds to make the delegation of authority valid constitutionally.

One might also argue in favor of the constitutionality of sec. 16.54 on the grounds that it is not a complete delegation of legislative authority to the governor, but only a delegation of authority necessary to implement federally enacted legislation. Thus, since the power given the governor under 16.54 is limited, and since the legislation he implements under sec. 16.54 already has a national mandate, this delegation of authority by the Wisconsin Legislature may not be subject to as strict a standard of review as other delegations of legislative power. This argument has not been addressed directly in this state; however, the issue of authority flowing from federal legislation was touched on in the "Consortium" opinion. The attorney general stated that:

Only the Wisconsin Legislature can confer powers on county boards. Such powers cannot be conferred by the congress except where the legislature has authorized counties to act pursuant to federally enacted legislation. (63 OAG 453, 462)

The attorney general concluded that designation of a county to accept federal funds pursuant to sec. 16.54 would constitute such an authorization.

The argument that the Wisconsin Legislature can delegate the authority to implement federal legislation raises the issue of how much discretion the governor may exercise under sec 16.54. Subsections (4), (6) and (7) make it clear that the governor can perform any acts that are required by the federal legislation or regulations. Subsections (6) and (7) go even further however. Subsection (7), for example, not only provides that the governor may accept the provisions of any act of congress making funds available to the state, but also states the governor may "perform all other acts necessary to comply with and otherwise obtain, facilitate, expedite, and carry out the required provisions of such acts of congress." How much discretion this subsection gives to the governor is not altogether clear. It might be argued that the governor can perform all acts that are absolutely necessary to meet the requirements of the act and regulations, but that any exercise of discretion beyond this should be left to the legislature. Such an interpretation of sec. 16.54 could present a serious obstacle to gubernatorial implementation of an act, such as the Coastal Zone Management Act, which gives each state a great deal of discretion in developing its program.

Here again this issue has not been considered directly, but was touched on in the "Consortium" opinion. The Comprehensive Employment and Training Act [§ 812(a)(1)(b)] provides that a prime sponsor of the act can be a local unit of government, or combination of local units, having a population of 100,000. A "unit of general local government" is defined as "any city, municipality, county, town, township, parish, village, or other general purpose political subdivision..." [§ 981(a)(10)]. Thus the act left the states and local units of government with a great deal of discretion in determining who would administer the funds. Despite this fact, and despite the fact that counties would not otherwise have had the power to form a Consortium for the purpose of administering the funds, the attorney general concluded that the governor could grant the counties such power, pursuant to sec. 16.54.

One other interesting point to note about this opinion is the last sentence. The attorney general stated that:

An alternate avenue would be for the legislature to specifically provide for county participation under the full terms of the Comprehensive Employment and Training Act of 1973. (63 OAG 453, 464)

Thus, even though an option was open for the legislature to determine how the act should be implemented and to provide for such implementation, the governor was not precluded from expanding the powers of the counties pursuant to sec. 16.54.

e. Constitutional Limits on Executive Authority -
Separation of Powers

The function of the executive department is to administer and enforce the laws as written by the legislature and interpreted by the courts. Although executive officers may exercise some discretion in the performance of this function, they may not act without legislative authority or beyond the limits established by the legislature. Administrative officers and agencies of the government belong to the executive department, but they cannot exercise executive powers specifically delegated to the governor. Acts which are deemed to be acts of administration, and among those powers properly assigned to the executive department, are those which are necessary to be done to carry out legislative policies and purposes already declared by the legislative body, or such powers as may be authorized by the organic law of its existency. (16 C.J.S. pp. 844-846, Constitutional Law, § 167)

The primary limitation on the authority of the executive is the doctrine of separation of powers. The executive may not encroach on the authority of the legislative and judicial branches. Since the powers to determine policy and to make laws are within the province of the legislative branch, these powers may not be exercised, interferred with, or limited by the executive branch. To quote from 16 C.J.S., Constitutional Law § 169:

...executive officers may not, by means of construction, rules and regulations, orders, or otherwise, extend, alter, repeal, or ordinarily, set at naught or disregard, laws enacted by the legislature.

Although it is well established that the executive branch may not determine matters of public policy or change the policy laid down by the legislature, it is equally well settled that executive officers may exercise discretion in the administration of their authority. Similarly, questions of fact may be determined by executive officers as an incident to the administration of a statute. Furthermore, the legislature can delegate its policy-making authority to an administrative agency or unit of an agency, provided that the legislature establishes adequate standards or safeguards to prevent against administrative abuse of this legislative power. Thus, although executive and administrative officers cannot determine policy in the sense that

the legislature does so, they can make what are frequently referred to as "policy" decisions within the confines of their statutory and constitutional authority.

Although the issue of executive encroachment on legislative authority has never been considered in Wisconsin, a few general conclusions can be reached on the basis of the law in other states. What these general principles indicate is that the governor can direct state agencies to act in accordance with legislative policy and procedural mandates. In doing so the governor not only can but must exercise a certain amount of discretion in determining how the law should be executed. However, the governor is limited in two ways. First, he cannot direct an agency to act contrary to any particular legislative mandate. Second, he cannot direct an agency to act contrary to duly promulgated administrative rules and regulations.

f. Directing State Agencies to Cooperate with the "Council" and to Comply with "Council" Policies

(1) Requiring cooperation

Ideally, an executive order to implement the Wisconsin program would direct state agencies to cooperate with the Council and to carry on their activities in a manner consistent with the goals and guidelines of the Council.

Simply requiring state units of government to cooperate and coordinate their activities (without actually requiring that those activities always be consistent) should not be too great a problem. A number of sections of the Wisconsin Statutes, particularly sections 14.03, 15.001, 16.001, 20.901, and 22.03, provide for inter-agency coordination and cooperation. The Coastal Zone Management Act and regulations also require interagency cooperation. These provisions, together with the governor's authority under sec. 16.54(6) and (7) (which includes the authority to accept the provisions of any act of Congress making funds available to the state and to perform all acts necessary to comply with, facilitate, and carry out the required provisions of such acts), in all likelihood constitute a sufficient legal basis to require state agencies to cooperate.

Yet assuming this is correct, a more difficult question is whether the authority to require an agency to "cooperate" with the Council includes the authority to mandate that it carry on all its activities in a manner consistent with the Council's goals and objectives. It could be argued that there are many

types of cooperation which fall short of mandatory compliance with an agency's policy decisions, so mandatory compliance is one of the largest legal difficulties in implementing Wisconsin's management program.

- (2) Does a state agency have the legal authority to comply with "Council" goals and objectives

The problem of requiring agency compliance with the "Council's" goals and objectives can be broken into two issues: (1) whether a state agency has the legal authority to comply with the regulations or policies of another agency; and (2) assuming the agency has the legal authority to comply, can it be required to do so.

The first issue does not represent a significant obstacle, but it is definitely a question that needs to be considered and dealt with carefully. An example of how the issue arises is presented by a recent Attorney General's Opinion (64 OAG 146, 1975) concerning plat approval by the Department of Local Affairs and Development (DLAD). The question presented was whether DLAD was required by an executive order (Executive Order #67, relating to flood plain and shoreland management) to object to a subdivision plat on the basis of information supplied by the DNR that the plat was not in conformance with DNR regulations. The Attorney General concluded that DLAD was not required to object to the plat on that basis. He stated the DLAD

...is limited by statute to an examination of plats to determine compliance only with secs. 236.15, 236.16, 236.20, and 236.21(1) and (2), Stats. Executive Order No. 67 cannot compel agencies to do that which is not permitted by law and, by its terms, it does not purport to do so. (64 OAG 146, 151) (emphasis added).

Although this opinion was a slight setback for the use of executive orders to coordinate the work of state agencies, the impact of the decision is not particularly significant. The decision was based on the fact that the language of the statute expressly limited the grounds upon which DLAD could object to a plat. Thus, the opinion stands for the proposition that an agency cannot be required to do that which it is not permitted to do. The opinion does not speak to the issue of the power of the governor to require an agency to do an act where the agency is not prohibited by statute from doing so.

Statutes which explicitly preclude an agency from considering other statutes and regulations are relatively rare. Generally speaking, agencies have broad discretion in what they can consider before making a regulatory decision. Thus, in the usual situation an executive order requiring an agency to comply with statutes or regulations which apply to another agency will not present any statutory or constitutional problems. The opinion with respect to DLAD does illustrate, however, that in certain circumstances a particular agency may be limited in terms of the considerations it can include in its decision making process.

In addition to the fact that these limitations are the exception rather than the rule, there are several other reasons why such situations should not present a serious obstacle to the implementation of Wisconsin's coastal management program. First, it is not necessary in executing the "Council's" goals and objectives that every state agency have the legal capacity to raise every objection that the "Council" might have. If a particular project is not in accord with the "Council's" policies, only one agency needs the authority to reject the project. Thus, if it is essential for the execution of the management program that a particular DNR regulation be enforced, it is not necessary for DLAD to have the capacity to act in compliance with the regulation, so long as the DNR is able to enforce it.

In this regard, it must be kept in mind that the existing Coastal Advisory Council has concluded that existing state law and programs, with few exceptions, provide adequate legal authority and opportunity to address those coastal management issues that are of state-level concern. Therefore, to the extent that this conclusion is accurate, it is not necessary to expand agencies' existing powers, but rather to coordinate these powers and ensure that they can be used to execute the "Council's" goals.

A second argument that could be made with respect to the DLAD opinion is that the executive order considered in that opinion was not based on sec. 16.54. As we have seen, sec. 16.54 is a delegation of authority to the governor to grant powers and obligations under federal programs to state agencies. One could make a strong argument that the governor's authority under this section includes the power to grant state agencies

additional latitude in what they may consider in their decision-making process. Of course, for the constitutional reasons that were already discussed, this argument could only hold water if the limitations on the factors that an agency could consider were not imposed explicitly by statute.

Finally, the Wisconsin Environmental Policy Act (sec. 1.11) may well broaden the grounds for agency decision-making, as the policies and goals set forth in that law are "supplementary to those set forth in existing authorizations of agencies". (sec. 1.11(5)).

(3) Can a state agency be required to comply

The second and more difficult issue is, assuming an agency has the legal authority to comply with the "Council's" goals, can it be required to do so? Even if it is assumed that the governor can not only give the "Council" the authority to issue advisory goals and guidelines, but, pursuant to sec. 16.54, can give those goals and guidelines the force of regulations, it still does not necessarily follow that the governor can require a state agency to comply with those regulations. Essentially the issue is whether the governor can impose any regulations, be they the "Council's" goals or the currently existing regulations of a state agency, on an agency such as the DNR.

As we have seen, the governor is in charge of the execution of state laws. This authority includes the exercise of a certain amount of discretion in determining how statutes, including legislative policy statements, are to be administered. Similarly, the governor's authority generally includes the power to direct state agencies to act in accordance with legislative policy and procedural mandates.

In Wisconsin, however, not all state agencies are directly subservient to the governor. In several agencies, including the DNR, the Secretary is appointed by a part-time board and serves at the pleasure of the board. Board members are appointed by the governor, but serve staggered terms of fixed duration. Thus, the Secretary of such an agency is insulated from the governor's influence.

One could argue that the institutional arrangements of Wisconsin are such that the governor is weak and that several state agencies are free to carry out their legislative mandates without direct control by the governor. This argument is founded on the view that, although the legislature cannot encroach on the power of the executive branch to execute the law,

the legislature can decide where to delegate certain authority within the executive branch. On the other hand, one might argue that the legislature can choose where to delegate legislative functions, but that the legislature cannot interfere with the governor's constitutional authority to "take care that the laws be faithfully executed" (Art. V s. 4).

It seems that the legislature can properly remove state agencies from complete control by the governor. Since the role of administrative agencies derive from legislatively enacted statutes rather than from the constitution, the legislature can delegate to these agencies a free hand in administering their duties. If an agency fails to apply the law, the governor could probably step in, but when it comes to the question of determining how a statute is to be applied, the legislature can give an agency superior authority to make this decision.

It is far from clear, however, that the legislature intended to remove control over administrative agencies from the governor's office. The goals of the 1967 reorganization of the executive branch are set forth in sec. 15.001(2):

(2) GOALS OF EXECUTIVE BRANCH ORGANIZATION.

(a) As the chief administrative officer of the state, the governor should be provided with the administrative facilities and the authority to carry out the functions of his office efficiently and effectively within the policy limits established by the legislature.

(b) The administrative agencies which comprise the executive branch should be consolidated into a reasonable number of departments and independent agencies consistent with executive capacity to administer effectively at all levels.

(c) The integration of the agencies in the executive branch should be on a functional basis, so that programs can be co-ordinated.

(d) Each agency in the executive branch should be assigned a name commensurate with the scope of its program responsibilities, and should be integrated into one of the departments or independent agencies of the executive branch as closely as the conflicting goals of administrative integration and responsiveness to the legislature will permit.

Subsection (3) of 15.001 provides that the reorganization of the executive branch should be a continuing process and sets out goals for this process:

(3) GOALS OF CONTINUING REORGANIZATION. Structural reorganization should be a continuing process through careful executive and legislative appraisal of the placement of proposed new programs and the co-ordination of existing programs in response to changing emphasis or public needs, and should be consistent with the following goals:

(a) The organization of state government should assure its responsiveness to popular control. It is the goal of reorganization to improve legislative policy-making capability and to improve the administrative capability of the executive to carry out these policies.

(b) The organization of state government should facilitate communication between citizens and government. It is the goal of reorganization through co-ordination of related programs in function-oriented departments to improve public understanding of government programs and policies and to improve the relationships between citizens and administrative agencies.

(c) The organization of state government shall assure efficient and effective administration of the policies established by the legislature. It is the goal of reorganization to promote efficiency.

It would certainly seem that this statute, particularly 15.001(2)(a), recognizes the need for gubernatorial control over administrative agencies. It might also be argued that the statute supports the coordination of existing management programs through the use of a body such as a "Coastal Council." On the other hand, one might argue that to give a committee created by the governor more than simply advisory status would be a matter of "continuing reorganization" that would require legislative as well as executive action.

A final and perhaps in this situation controlling, argument that might be made in favor of the position that the governor can require all state agencies to comply with the "Council's" goals is that such authority stems from sec. 16.54. This section constitutes a

legislative delegation of authority to the executive to "perform all acts necessary to comply with and otherwise obtain, facilitate, expedite, and carry out the required provisions" of acts of Congress making funds available to the state (16.54(7)).

The governor's authority includes "the preparation, adoption and execution of plans, methods, and agreements, and the designation of state, municipal or other agencies to perform specific duties" (16.54(6)). Since the governor can designate agencies to perform specific duties, and since, as we have seen above, these duties can include powers an agency would not otherwise have the statutory authority to exercise, it is possible that the governor can direct state agencies to perform their existing duties in a manner consistent with the "Council's" goals. Of course, as the Attorney General's opinions indicate, the governor's authority under 16.54 is subject to constitutional and statutory limitations. However, in view of the policy statements in sections 15.001 and 16.001, one might argue that an executive order requiring agency compliance with the Council's goals and guidelines would not run afoul of these limitations.

In conclusion, there are obviously many unresolved questions about the governor's authority to require state agencies to comply with the "Council's" goals and objectives. At this point it can be concluded that an executive order, standing alone, might well not be sufficient to bind agencies to new policies adopted by the "Council". Interagency agreements, and perhaps legislation, should be carefully considered as means to supplement the executive order as a technique of assuring interagency consistency relative to such policies.

2. Interagency Agreements

a. The Role of Interagency Agreements

As discussed above, the biggest shortcoming of using an executive order to implement Wisconsin's management program is the problem of compelling state agencies to comply with the "Council's" goals. One means of circumventing this problem which might be employed in lieu of or in addition to an executive order is the interagency agreement. This method of executing the "Council's" policies is termed "voluntary compliance" by OCZM and is described as follows:

Here an agency would voluntarily prepare guidance to carry out the unified policies. This method clearly has many pitfalls, although it presents the potential for fostering strong interagency ties in support of the management program.

...The language of the guidance must be specific and spell out the procedures that the agency will follow, the criteria it will use in exercising such authority it administers in the management program and the methods it will use to report on its decisions. (Threshold Papers #6 and 7, p. 12).

According to OCZM, voluntary compliance can take three forms. The first of these is agency guidance which would be completed and reviewed prior to program approval. This would require the "Council's" adoption of goals well before program approval in order to allow state agencies to "prepare guidance to carry out the unified policies" and allow sufficient time for review of such guidance.

The second and third forms of voluntary compliance both involve agreements by state agencies to complete the guidance by a particular date, which could be after program approval. The second form requires that the agency also agrees to abide by decisions of the body that reviews the guidance for compliance with the state's (Council's) unified policies. The third form requires the agency to agree to "a definite procedure...adopted prior to approval whereby individual decisions of that state agency may be appealed to another state agency, upon completion of the guidance, for review and final decision." (Threshold Papers #6 and 7, p. 13).

b. Legal Authority

There is almost no law pertaining directly to interagency agreements. Because of the nature of such agreements, it is not surprising that no case law exists on the subject. The statutes are not much more helpful. A number of sections of the Wisconsin Statutes, including ss. 14.03, 15.001, 20.901, 22.03, and 22.05 provide for inter-agency cooperation and coordination. All of these sections are very general and, although they are probably sufficient authority for an agency to enter into a voluntary agreement with another agency, none of these sections either explicitly provide for such interagency agreements or puts any limitations on such agreements.

Section 144.26(f) also does not provide explicitly for interagency agreements, but does provide that municipalities and state agencies shall mutually cooperate to accomplish the objectives of this section (the "navigable waters protection law"). These objectives, which include many of the proposed objectives of the "Council", are stated in sec. 144.26(1):

To aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety, convenience and general welfare, it is declared to be in the public interest to make studies, establish policies, make plans and authorize municipal shoreland zoning regulations for the efficient use, conservation, development and protection of this state's water resources. The regulations shall relate to lands under, abutting or lying close to navigable waters. The purposes of the regulations shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty.

Chapter 16 of the Wisconsin Statutes, pertaining to the Department of Administration, is another possible source of authority for interagency agreements. Section 16.001(1) sets forth the purposes of this chapter, which include the conservation of the state's resources by the coordination of management services. Subsection (2) provides that, "Statutes applicable to the Department of Administration shall be construed liberally in aid of the purposes declared in sub. (1)."

As discussed in detail above, Section 16.54 of Chapter 16 governs the acceptance of federal funds. The most helpful provisions are in subsections (6) and (7):

(6) The governor may accept for the state the provisions of any act of congress whereby funds or other benefits are made available to the state, its political subdivisions, or its citizens, so far as the governor deems such provisions to be in the public interest; and to this end the governor may take or cause to be taken all necessary acts including (without limitation because of enumeration)

the making of leases or other contracts with the federal government; the preparation, adoption and execution of plan, methods, and agreements, and the designation of state, municipal or other agencies to perform specific duties.

(7) The governor may accept for the state at all times the provisions of any act of congress whereby funds are made available to the state for any purpose whatsoever, including the school health program under the social security act, and perform all other acts necessary to comply with and otherwise obtain, facilitate, expedite, and carry out the required provisions of such acts of congress. (emphasis added).

Section 16.95 (11) provides that the DOA shall:

Administer federal planning grants for state planning, when so designated by the governor pursuant to s. 16.54. The department may contract with other state agencies for the preparation of all or part of a facet of the state plan which is financed in whole or in part by federal planning grants. (emphasis added)

Both these sections should be read in conjunction with section 16.001, which provides that statutes applicable to the DOA should be liberally construed in aid of the purpose of coordinating management services, etc.

These statutes are clear authority for the DOA and the "Council" to enter into the types of interagency agreements discussed in Threshold Papers #6 and 7. On the other hand, these sections contain little, if any, indication of what may be done by such agreements.

c. Substantive limitations

In the absence of any law dealing specifically with interagency agreements, it would seem reasonable to conclude that such agreements are subject to the same limitations as are contracts. Although an interagency agreement can probably be written as merely a "letter of understanding" or in such other form that it would not constitute a formal contract, principles of contract law are applicable at least by way of analogy, if not directly.

A contract is illegal if it is contrary to constitutional or statutory provisions or public policy (17 C.J.S. Contracts, s 190). The law on contracts in violation of statutes is summarized in 17 C.J.S. Contracts s 201, pp 1003-1004;

The rule that a contract is invalid if it conflicts with a statute is not an inflexible one. The true rule seems to be that the question is one of legislative intent. Each statute must be construed with the view of ascertaining the legislative intent. The courts will always look to the language of the statute, the subject matter, the wrong or evil which it seeks to remedy or prevent, and the purpose sought in its manifest that it was not intended to imply a prohibition or to render the prohibited act void, the courts will so hold and construe the statute accordingly.

What this boils down to is that an agency can not enter into an agreement to do an act which would exceed the powers which the legislature intended to grant to the agency, or which would violate constitutional requirements of separation of powers. Essentially then we come back to the same conclusion that was reached with respect to executive orders--an agency can not be required (either by the governor or by agreements it has voluntarily entered into) to do an act which it does not have the legal authority to do.

This limitation should not be much of a problem. As noted above, it has already been concluded that "[e]xisting state law and programs, with few exceptions, provides adequate legal authority and opportunity to address those coastal management issues that are of state-level concern." (Coastal Council Paper on "State Level Organization for Program Implementation". p.2). Thus it is not necessary to expand agencies' powers, but rather to coordinate them. Agreements between the Council and other agencies should be able to fulfill this function.

d. Procedural limitations

In addition to the "substantive" limitations on what an agency has the legal authority to do (and consequently on what it can agree to do or to consider), the agency is also limited "procedurally" by the requirements of due process and the Administrative Procedure Act (Chapter 227). An agency can not make a binding agreement to promulgate rules or regulations or to automatically apply another agency's standards. It can agree to consider those standards (assuming that it is not statutorily prohibited from doing so) and it can also make an agreement to submit its own proposed rules, regulations or plans to another body for review and comment. An agency could also agree to hold hearings on standards developed by another body, but to make a binding commitment to enforce or adopt those standards without first holding a hearing, would probably be a violation of due process and the Administrative Procedure Act.

3. Enforcement of Interagency Agreements and Existing Policies

a. Introduction

The question as to the legal effect of an interagency agreement is one that can not be answered with certainty. The state's Administrative Procedures Act (chapter 227) provides a framework for reviewing agency administrative decisions and rules, both administratively and judicially. Other statutes, such as the nuisance and public intervenor provisions, provide additional avenues for securing review of these decisions. Finally, the court decisions on standing play an important part in determining who can initiate these reviews. The following sections examine these questions in some detail.

b. General

There is virtually no case law concerning the use of interagency agreements. There are no Wisconsin cases or other legal sources indicating that compliance with an interagency agreement can be enforced directly on the weight of the agreement itself; similarly, there are no cases or materials that indicate that it can not be directly enforced. However, it should be noted that in any event interagency agreements can certainly be enforced to the extent that their provisions are also embodied in state statutes and regulations. In this respect the conclusion that Wisconsin has adequate statutory and regulatory authority to implement a workable and acceptable coastal management program is important.

Although interagency agreements may add little to the enforceability of existing law, they do have a number of advantages. First, they can clarify how existing statutory and regulatory authority, which is spread between a number of different agencies and covers all the state, will be coordinated and enforced in coastal areas. Second, an agency is not apt to violate an interagency agreement that it has entered into voluntarily. Third, in the event that an agency did act contrary to an executive order or interagency agreement, the existence of either or both of these could help increase public and political pressure on the agency. Finally, by drawing more attention to the agency's actions or inaction, an interagency agreement or executive order would probably assist in getting judicial review. It can be difficult to convince a court to review the decision of an agency not to take action in a particular type of area, but where such failure to act is contrary to an interagency agreement and/or executive order the probability of getting judicial review under sections 227.15 and 227.16 of the Administrative Procedure Act should be increased substantially (see part 3(d)(2)below).

c. Administrative Remedies

1. What they are

Before discussing judicial review of administrative decisions and other types of judicial enforcement, a brief examination of possible administrative mechanisms for seeking relief will be made.

Two sections of the Wisconsin Administrative Procedure Act provide for hearings before a particular agency on the applicability of rules or statutes enforced by the agency. Section 227.06 states, that, on petition by any interested person, an agency may "issue a declaratory ruling with respect to the applicability to any person, property or state of facts of any rule or statute enforced by it." Full opportunity for hearings must be afforded to interested parties. Thus, any interested party wanting the agency to enforce its rules or statutory responsibility with respect to a particular factual situation could seek a declaratory ruling. However, one disadvantage with this section, at least from the perspective of someone who seeks agency action, is that it is discretionary as to whether the agency will issue a declaratory ruling [Wisconsin Fertilizer Association v. Karns, 158 N.W. 2d 294, 39 Wis. 2d 95 (1968)]. Where the agency does issue a ruling, it is subject to circuit court review in the manner provided for the review of administrative decisions (see sections 227.15 and 227.16). A decision not to issue a declaratory ruling would also be subject to review under the same sections.

Section 227.075 provides for mandatory hearings, but these are available only in limited circumstances. Subsection (1) states that:

In addition to any other right provided by law, any person filing a written request with an agency for hearing shall have the right to a hearing which shall be treated as a contested case if:

(a) A substantial interest of the person is injured in fact or threatened with injury by agency action or inaction;

(b) There is no evidence of legislative intent that the interest is not to be protected;

(c) The injury to the person requesting a hearing is different in kind or degree from injury to the general public caused by the agency action or inaction; and

(d) There is a dispute of material fact.

It should be noted that administrative hearings are independently required (or in some circumstances discretionary hearings are authorized) in many situations, either with respect to permits or in response to citizen complaints. Typical examples of such statutory provisions are sections 30.12 and 30.14. The former section requires a hearing on an application for a permit to deposit any material or place any structure upon the bed of any navigable water. The latter section provides that the DNR shall hold a hearing upon complaint by any person that any proposed or existing wharf, pier, or other structure in navigable water violates or will violate sections 30.12 and 30.13.

An even more important section providing for administrative hearings is section 144.537. This section states that:

The department (of natural resources) shall hold a public hearing relating to alleged or potential environmental pollution upon the verified complaint of 6 or more citizens filed with the department ... Any situation, project or activity which upon continuance or implementation would cause, beyond reasonable doubt, a degree of pollution that normally would require clean-up action if it already existed, shall be considered potential environmental pollution.

Although action or inaction of an agency contrary to its interagency agreement would not generally constitute "environmental pollution" within the meaning of this section, this statute provides one mechanism for compelling the DNR to carry out its statutory responsibility. Orders, conclusions of law, and findings of fact from hearings held pursuant to this section are subject to review under chapter 227.

Where hearings authorized by statute are discretionary, the agency's exercise of its discretion is not to be

affected by section 227.075 (see 227.075(3)). The legislature's purpose in enacting this section in its recent amendments to chapter 227 was to effectuate the following "affirmative proposal" by Professor Kenneth Davis:

A person whose legitimate interest is injured in fact or imminently threatened with injury by governmental action should have standing to challenge that action in the absence of legislative intent that the interest is not to be protected.
[Administrative Law Text, 322.08, p.438]

So where there is no independent statutory provision for a hearing, one can be had under section 227.075, but where the legislature has already determined that a hearing is in an agency's discretion the new section does not alter that determination.

A rehearing may be granted by an agency in contested cases, either on its own motion or upon petition by an aggrieved party (section 227.12). A rehearing will be granted only on the basis of some material error of fact or law, or the discovery of new evidence which is sufficiently strong to reverse or modify the order and which could not have previously been discovered by due diligence. Under the recent amendments to section 227.12, a petition for rehearing is no longer a prerequisite for appeal or review. In some circumstances it may be preferable to seek judicial review of an agency decision rather than a rehearing because a petition for judicial review may be amended pursuant to section 227.19(3). If an application for rehearing is filed under section 227.12, the person filing the application may not initiate a proceeding in a reviewing court based on any ground not set forth in the application, unless good cause is shown to the court for failure to present the ground to the agency in the petition for rehearing.

2. Who may trigger

The answer to the question of who may invoke these administrative remedies varies with the statute establishing the remedy. For example, section 144.537 provides that the hearing shall be held upon the complaint of "6 or more citizens." Section 227.06 provides that an agency may issue a declaratory ruling on petition by any "interested person." This phrase is not defined in chapter 227. However, the term person is defined in section 990.01(26) as including "all partnerships, associations,

and bodies politic and corporate." It has been held that this phrase does not include the state and its agencies (State ex rel. Wis. Dept. of Public Instruction v. Wis. DILHR, 68 Wis. 2d 677, 229 N.W. 2d 591, (1975)). Thus it appears that a state agency can not petition another agency for a declaratory ruling.

The meaning of the term "interested" is not explicitly defined, but this does not seem to be a very difficult requirement to satisfy in view of the fact that the phrase "interested person" is the same phrase that is used in reference to those who are entitled to testify at hearings on proposed administrative rules (section 227.022(1)). At the very least, any person who would have standing to obtain judicial review of an administrative decision would be an interested person for the purposes of section 227.06. As is discussed below [see part (e)], standing requirements are not very stringent in Wisconsin. For example, members of the public have standing to protect their "public trust" interest in navigable waters and the land underlying navigable waters [Muench v. Public Service Commission 53 N.W. 2d 514 (1952)].

Under section 227.075(1), on the other hand, a hearing shall be provided only if the injured party suffers or is threatened with an injury to a "substantial interest", and such injury must be "different in kind or degree from injury to the general public." Thus under this section, unlike section 227.06, a person who was injured or threatened with injuring merely in his or her capacity as a beneficiary of the public trust would be unable to obtain a hearing.

d. Judicial review

1. Review of administrative rules

a) How administrative rules are adopted

Section 227.02 requires that an agency shall precede all its rule making with notice and public hearing, unless the proposed rule falls within certain limited exceptions, such as emergency rules (see section 227.027) and rules which are procedural rather than substantive. Hearings on proposed rules must be in compliance with section 227.02.

A "rule" is defined by section 227.01 (9) and (10) as follows:

(9) "Rule" means a regulation, standard, statement of policy or general order (including the amendment or repeal of any of the foregoing), of general application and having the effect of law, issued by an agency to implement, interpret or make specific legislation enforced or administered by such agency or to govern the organization or procedure of such agency.

(10) Every statement of general policy and every interpretation of a statute specifically adopted by an agency to govern its enforcement or administration of legislation shall be issued by it and filed as a rule...

Subsection (11) contains a number of exceptions to the definition of a "rule", the most significant of which is agency action or inaction which covers the internal management of the agency and does not affect private rights or interests, or which is a decision or order in a contested case.

Section 227.015(1) provides that any municipality, corporation or any 5 or more persons having an interest in a rule may petition an agency requesting the adoption, amendment or repeal of such rule, unless the right to petition for a particular type of rule is restricted by statute to a designated group or to a particular form of procedure. Within a reasonable time after receiving a petition for rule making, an agency shall either proceed with the requested rule making or deny the petition in writing with a brief statement of its reasons for the denial.

Although, as noted above, formal public hearings are generally required, an agency may also use informal conferences and consultations as means of obtaining the viewpoints and advice of interested persons with respect to contemplated rule making. An agency is required to notify members of appropriate standing committees of the legislature when rules and revisions or repeals thereof are in final draft form. Within 30 days after receiving the notice and a brief summary of the draft, the committee may direct the agency to meet with it to review the draft and the final rule may not be issued during this 30 days (section 227.018(2)).

Also, section 13.56 establishes a joint legislative committee for review of administrative rules. Subsection (2) of this section says that by majority vote, this committee may, after public hearing, suspend any administrative rule or portion thereof. Upon such a suspension the committee is to place a bill before the legislature to repeal the suspended rule. If this bill is not enacted, the rule stands and may not be suspended again. If this bill becomes law, the rule is repealed and may not be repromulgated unless specifically authorized by the legislature. However, the Attorney General has ruled that 13.56 (2) to the contrary, this committee cannot constitutionally suspend an otherwise valid administrative rule (63 OAG 168 (1974)); see 63 OAG 159 (1974) for an extensive discussion of the status of administrative rules in Wisconsin.

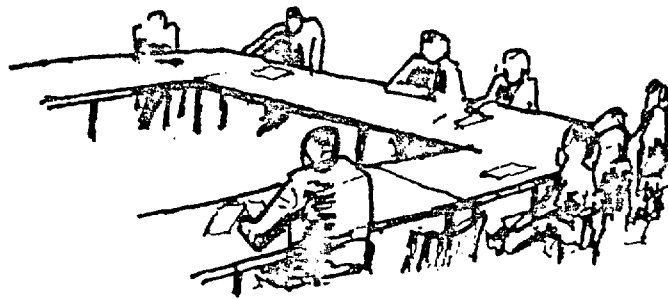
b) How they are reviewed

If an agency adopts a rule that relates to its authority in managing coastal resources, the validity of the rule could be challenged under section 227.05. The section provides that:

The exclusive means of judicial review of the validity of a rule shall be an action for declaratory judgment as to the validity of such rule brought in the circuit court for Dane county ... The court shall render a declaratory judgment in such action only when it appears from the complaint and the supporting evidence that the rule or its threatened application interferes with or impairs, or threatens to interfere with or impair, the legal rights and privileges of the plaintiff.

Someone who believed that the agency's rule was inadequate would have to show that the application of the rule would interfere with or impair his or her legal rights and privileges. "Rules" that may be reviewed include agency policies of general applicability, even though they have not been formally adopted as rules (Frankenthal v. Wisconsin Real Estate Brokers Board 89 N.W. 2d 825, 3 Wis. 2d 249 (1958)).

The statute also provides that a declaratory judgment may be rendered in court whether or not the plaintiff has just requested the agency to pass upon the validity of the rule in question.



2. Review of administrative decisions

Administrative decisions (whether they involve a rule or not) are reviewable under sections 227.15 and 227.16. The former section states what decisions are reviewable and the latter provides how they can be reviewed. According to section 227.15:

Administrative decisions,
which adversely affect the
substantial interests of any
person, whether by action or
inaction, whether affirmative
or negative in form ...
shall be subject to judicial
review as provided in this
chapter.

The phrase "administrative decisions" is not defined in the statutes. It is reasonable to assume that this term would be construed broadly in view of the 1976 amendments to section 227.15 which provide that an action for judicial review may arise upon an agency's inaction as well as its action. There is still some question, however, regarding the type of agency inaction that can be reviewed. The phrase referring to inaction could be read to contemplate inaction on a specific matter, such as a permit application, or it could be read to also apply to a broad pattern of inaction through which an agency had failed to carry out coastal management objectives. An agency's failure to carry out coastal management objectives will be accentuated if the agency is acting in conflict with provisions of an interagency agreement or executive order. In such a case the courts might well find that the agency's inaction constitutes an "administrative decision." Thus, regardless of the extent to which an interagency agreement or executive order can be independently binding against an agency, it should at least get a plaintiff into court to make the argument that the agency is not complying with its statutory responsibility.

e. Standing

1. State governmental units

a) Lead agency or council

A state agency which might be designated the lead agency of the coastal program may obtain judicial review of a decision of another agency under section 227.16. This section provides that "any person aggrieved" by a decision specified in 227.15 shall be entitled to judicial review. The phrase "person aggrieved" is defined in section 227.01(8) or "any person or agency whose substantial interests are adversely affected by a determination of an agency." Thus, assuming the "substantial interests" of an agency are adversely affected by the decision of another agency, it has standing to obtain review of that decision. [For a discussion of when substantial interests are adversely affected see part b. (1) below.]

Whether a council, such as the proposed coastal council, has standing to invoke judicial review under section 227.16 is less clear. A council would not fall within the definition of "person". This

term is defined in section 990.01 (26) as including "all partnerships, associations and bodies politic and corporate." It was held in State ex rel. Wis. Dept. of Public Instruction v. Wis. DILHR, 68 Wis. 2d 677, 229 N.W. 2d 591, (1975) that the phrase "bodies politic and corporate" in conjunctive and, therefore, the state and its agencies are not within the definition of "person." Yet not withstanding the fact that a council is not a "person", it can still qualify as a "person aggrieved" by falling within the definition of "agency". This term is defined in section 227.01(1) as "any board, commission, committee, department or officer in the state government, except the governor or any military or judicial officer of this state." A council would probably qualify for standing under this section, assuming, of course, that it was "aggrieved" by the agency decision that it seeks to have reviewed.

b) Attorney general

The attorney general has standing in several capacities. The most obvious and important of these sources of standing is the attorney general's authority, as head of the department of justice, to represent the state. Section 165.25(1) directs the department of justice to:

Appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded by the supreme court to any circuit court in which the state is a party; and, when requested by the governor or either branch of the legislature, appear for the state and prosecute or defend in any court or before any officer, any cause or matter civil or criminal, in which the state or the people thereof may be in anywise interested.

Although it might be argued on the basis of DPI v. DILHR, supra, that the attorney general is not a "person" within the meaning of section 227.16, the state supreme court held in Muench v Public Service Commission (1952) 261 W. 442, 53 N.W. 2d 514, that the attorney general has standing to participate in review

proceedings in order to protect the public interest. The most important public interest in Wisconsin relative to coastal management purposes is the public trust in navigable waters and the lands underlying them. The public trust originally related only to the public's navigational interests, but as the court stated in the rehearing of the Muench case (55 N.W. 2d 40,45), "the trust doctrine has been expanded to include fishing, hunting, and other public rights in the recreational enjoyment of the navigable waters of the state." In Just v. Marinette County (1972), 56 Wis. 2d 7, 201 N.W. 2d 543, the public trust was expanded even further to support shoreland zoning regulation.

The affirmative role of the state in protecting and promoting the public trust is illustrated by Muench:

When public rights to the recreational enjoyment of the navigable waters of the state may be violated by the issuance of a permit to erect a dam, it is clearly the duty (emphasis added) of the state to appear in behalf of the public in the proceeding pending before the Public Service Commission on the application for the permit. (53 N.W. 2d 514, 523)

The state's standing under the trust doctrine is also explained in the more recent decision, State v. Deetz (1974), 66 W. 2d 1, 224 N.W. 2d 407:

In effect, the state has the usual powers of a trustee. A trustee, by virtue of such position, has standing to take legal action on behalf of the trust where some grievance recognized by the law gives rise to a cause of action.

Another source of "standing" and authority for the attorney general is the public nuisance statute, section 823.02. This section provides that an action to enjoin a public nuisance may be brought in the name of the state by: (1) the attorney general

upon his own information, (2) upon relation of a private individual, who has obtained leave from the court, or (3) upon relation of a sewerage commission or a county, with leave from the court.

Other sections of the statutes specify many activities that constitute public nuisances including, for example, violation of an order prohibiting pollution (section 144.536), obstructions or deposits in navigable waters (section 30.15(4)), and fish and game devices (section 29.03).

Although public nuisances are often declared to be such by statute or ordinance, this is not always the case. Acts in violation of penal statutes, if in fact constituting a public nuisance, may be abated whether or not they are declared nuisances by statute. Every place where a public statute is openly, publicly, repeatedly, continuously, persistently and intentionally violated is a public nuisance, [State ex rel. Abbott House of Vision-Belgard-Spero, Inc. (1951), 259 Wis. 87, 47 N.W. 2d 321].

However, a nuisance need not be a violation of a specific statute. To quote from the "interpretive commentary" in 35 Wisconsin Statutes Annotated, p. 225:

The act or omission which is the basis of either a public or private nuisance may be: (1) an intentional tort, (2) negligence, or (3) an act or omission for which there is absolute liability. A public nuisance is an offense against the state, while a private nuisance is a tort to a private person. The same act may constitute both a private and a public nuisance.

An example of a nuisance action brought by the attorney general is State v. Dairyland Power Co-op (1971), 52 Wis. 2d 45, 197 N.W. 2d 878. In this case the supreme court of Wisconsin held that the attorney general could bring an action (without leave of the court) to abate a public nuisance allegedly caused by the operation of a power plant. The court reached this conclusion notwithstanding

the fact that additions to chapter 144 conferred on the DNR broad authority to deal with water and air pollution. The court held that the doctrine of exhaustion of administrative remedies did not require the attorney general to first seek issuance of an abatement order by the DNR since no administrative action had been commenced, and since such procedure would cause needless circuitry and irreparable harm in the interim period.

c) Public Intervenor

Another potential mechanism for instituting judicial action or for obtaining representation in administrative proceedings is to seek the assistance of the public intervenor. The public intervenor is an assistant attorney general appointed by the attorney general, yet autonomous from the rest of the justice department. Section 165.07 of the statutes assigns him the responsibility of intervening in proceedings under chapters 30, 31, 144, and 147 when he is requested to do so by an administrator of a division primarily assigned the department functions under chapters 29 or 144. He also has the discretion of intervening in such proceedings, on his own initiative or upon request of any committee of the legislature, "where such intervention is needed for the protection of 'public rights' in water and other natural resources, as provided in chapters 30 and 31 and defined by the supreme court" (section 165.07). The memo from the current public intervenor, reprinted at the end of this section, sets out the guidelines for intervention.

The public intervenor may also "appeal from administrative rulings to the courts" (section 165.07). In a recent circuit court case, Peshek v. DNR (1977, Dane Co. Cir. Ct., No. 153-281), the DNR challenged the public intervenor's standing. On a motion to dismiss the appeal from a DNR hearing decision, the department contended that the public intervenor could not obtain judicial review of the decision because he had not intervened in the hearing itself and because he was not a "person aggrieved" within the meaning of section 227.16.

The circuit court rejected both of these arguments. It concluded that the public intervenor was a "person aggrieved" under sections 227.15 and 227.16, without discussing the possibility that the public intervenor, as an agent for the state, was not a "person" within the definition of section 990.01(26). The court then concluded that section 165.07 should be construed to allow the public intervenor to make

DEPARTMENTAL CORRESPONDENCE

Date: September 29, 1976

To: The Citizen Advisory Committee to the Public Intervenor,
Bronson C. La Follette, David J. Hanson, Theodore Priebe,
William H. Wilker, Steve Derene, Thomas J. Dawson, and
Mark Gibbens

From: Peter A. Peshek

Subject: Guidelines for Intervention by the Public Intervenor
Adopted by the Citizen Advisory Committee to the Public
Intervenor on September 28, 1976

1. Does the Public Intervenor have Jurisdiction to Intervene?

The jurisdiction of the Public Intervenor is governed by Stats., sec. 165.07. Naturally, the Public Intervenor's jurisdictional bounds are subject to various interpretations of the statute, depending upon the interest offering its interpretation. Still, jurisdictional criteria for intervention are provided by sec. 165.07. They are as follows:

a. Mandatory Intervention - The Public Intervenor may be required to intervene in Chs. 30, 31, 144 and 147 proceedings when requested to do so by an administrator of a division primarily assigned the departmental functions under Chs. 29 or 144.

b. Discretionary Intervention - The Public Intervenor may, on his own initiative or upon request of any committee of the legislature, intervene in Chs. 30, 31, 144 and 147 proceedings where such intervention is needed for the protection of "public rights" in water and other natural resources, as provided in Chs. 30 and 31, and defined by the supreme court.

In addition, the Attorney General has authorized the Public Intervenor to exercise any other powers of an Assistant Attorney General necessary to protect the public's interest in water and other natural resources. For example, the Public Intervenor should be able to commence public nuisance actions pursuant to sec. 280.02, Stats., to protect public rights.

2. Is Intervention Consistent with MBO's Established for the Public Intervenor?

These are criteria that best relate to the Public Intervenor's resources and ability to effectively alter the course of environmentally objectionable actions or practices.

a. Necessity - Does there exist in the case adequate environmental advocacy already, or will the Public Intervenor be the major defender of public rights in the environment?

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b. Public Intervenor Resources - Does the Public Intervenor have, or can he muster, the resources necessary to effectively intervene and to change the course of a particular case? What experts are available to him? How much time is there to prepare an effective intervention?

c. What is the likelihood of success upon intervention?

d. In what forum (i.e., agency or court) will the intervention need to occur?

3. What are the Environmental Considerations?

a. Does the hearing involve a situation that is representative of a general or statewide problem?

b. Would intervention result in control and elimination of a significant source of environmental degradation?

c. Is there an opportunity to establish a legal or administrative precedent favorable to the public rights?

d. Does the hearing involve an irrevocable threat to an important or rare natural resource?

e. Does the hearing involve a proposed state agency rule or policy which will significantly affect the public rights?

f. Does a problem indicate that a state policy should be adopted?

b. Does the proposal involve or threaten a cold water eco-system?

4. Does the Hearing Involve a Six-Citizen Complaint Under Sec. 144.537?

Six-citizen complaints are generally indications that government has failed to deal adequately with a particular problem. Also, DNR's authority to act may actually be broader under sec. 144.537 than under other, more specific statutes. Complainants in six-citizen hearings are playing the role often referred to as "private attorneys-general." We should do everything we can to help if their complaint is a valid one.

5. Does the Citizens Advisory Committee Recommend Intervention?



PETER A. PESHEK

appeals from administrative proceedings in which he had not formally intervened, "because such a construction would further the legislative purpose of protecting public rights in water and other natural resources." The court also noted that to require the public intervenor to intervene in the hearing in order to appeal a decision "would merely duplicate the efforts of other individuals and groups and waste tax dollars." An appeal from the circuit court decision was dismissed by the state supreme court.

2. Citizens

a) Judicial review under chapter 227

As discussed above with respect to the standing of units of government, standing to obtain judicial review of administrative decisions is restricted to "any person aggrieved" by a decision specified in section 227.15. A "person aggrieved" is a "person or agency whose substantial interests are adversely affected by a determination of an agency" (section 227.01(8)).

The best explanation of when citizens have standing under these requirements of chapter 227 can be found in Wisconsin Environmental Decade v. Public Service Commission (1975), 69 W.2d 1, 230 N.W.2d 243 (hereinafter referred to as WED v. PSC). This case involved a petition by the Wisconsin Environmental Decade, Inc. (WED), a nonprofit citizen's organization, for review of a PSC order which established a priority system for the allocation of natural gas. The Wisconsin supreme court stated that the sole issue before it was whether the petition for review by the WED "states facts that show it is aggrieved and directly affected by the decision of the respondent" (69 W.2d 1, 4). [Note that the issue is phrased in terms of the standing requirement as it existed prior to slight modification in the 1975 amendments to chapter 227, which will be discussed below.]

The court in WED v. PSC quoted Greenfield v. Joint County School Commission (1955), 271 W. 442, 447, 73 N.W.2d 580, for the settled rule that a person aggrieved is "one having an interest recognized by law in the subject matter which is injuriously affected by the judgement." The court stated that this rule of standing:

envisions a two-step analysis conceptually similar to the analysis required by the federal rule. The first step under the Wisconsin rule is to ascertain whether the decision of the agency directly causes injury to the interest of the petitioner. The second step is to determine whether the interest asserted is recognized by law. (WED v. PSC, 69 W.2d 1, 11)

Taking the first step, a court must consider the injuries alleged by the petition. As the court recognized in WED v. PSC:

"The question of whether the injury alleged will result from the agency action in fact is a question to be determined on the merits, not on a motion to dismiss for lack of standing."
(WED v. PSC, 69 W.2d 1, 14)

The WED alleged that the priority system ordered by the PSC would result in the premature consumption of natural gas reserves and would induce lower priority customers to rely on more environmentally damaging sources of fuel. The PSC argued that these alleged injuries were speculative and remote and could not be construed as being directly caused by the order in question. However, the court agreed with WED's contention that the "directly affected" test "includes injuries that are brought about because of a series of events initiated by the agency action in question and that the injuries alleged here qualify." (ID. at 14)

As for the second step of the analysis--whether the interest asserted is recognized by law--WED argued that it had an interest in the conservation of natural gas that was legally recognized under various provisions of the public utilities law, chapter 196. The court agreed that the protective purposes of this law were sufficient to confer standing on WED. The court stated that "the power to regulate so that the rules and practices of the utilities do not render service inadequate or insufficient raises by fair implication the power to regulate so that

service will remain as reasonably adequate and sufficient in the future as is practicable." Thus, the court held that "WED's members, who are customers in the area affected by the PSC's order in this case have a sufficient interest under the cited sections of ch. 196, Stats, in the future adequacy of their service ... to challenge the PSC's failure to consider conservation alternatives" (Id. at 16-17).

On this second step of the standing analysis, the court also accepted WED's assertion that it had an interest in the protection of the environment from the harmful effects of burning fuels other than natural gas, which interest was legally recognized under the Wisconsin Environmental Protection Act (WEPA; Sec. 1.11, Wisconsin Statutes). The court stated that:

It is our conclusion that WEPA, while not creating a public trust analogous to the public trust in the navigable waters of the state, does, similar to NEPA, recognize an interest sufficient to give a person standing to question compliance with its conditions where it is alleged that the agency's action will harm the environment in the area where the person resides. (Id. at 19).

The court did not accept WED's argument that its interest in preventing the use of environmentally dirty fuels was also legally recognized under the public trust doctrine. The court rejected this contention, because the petition failed to "assert an interest with regard to the preservation or protection of navigable waters or any related interest which has been previously recognized by the court: (Id. at 14). However, the court did recognize the fact that the trust doctrine was a potential source of citizen standing if injury to navigable waters is alleged.

The trust doctrine has, in fact, been an important source of standing to protect public rights. An illustration of this fact is the Muench decision, discussed above with respect to the standing of the

attorney general. In this case the court found that there was standing (to review a PSC decision) not only in the attorney general, but also in an individual citizen, Muench. The court rejected the PSC's contention that "Muench is not directly affected by the Commission's decision because he has no direct pecuniary interest which would be jeopardized by the issuance of a permit to erect the dam", stating that:

The right of the citizens of our state to enjoy our navigable streams for recreational purposes, including the enjoyment of scenic beauty is a legal right that is entitled to all the protection which is given financial rights. (Muench, 53 N.W. 2d 514, 522)

The court held that:

any citizen who has appeared at a hearing of the PSC, held under section 31.06 with respect to an application to erect a dam in a navigable stream, is "aggrieved" and "directly affected" by a decision of the commission finding that public rights will not be violated so as to entitle him to petition for review under section 227.15, Stats. (Id at 523)

Another important question concerning the standing of citizens, which is resolved in WED v. PSC, is whether a citizen's organization has standing to represent the interests of its individual members. The court concluded that:

an organization devoted to the protection and preservation of the environment has standing to use in its own name if it alleges facts sufficient to show that a member of the organization would have standing to bring the action in its own name. (WED v. PSC, 69 Wis. 2d 1, 20)

To this point our discussion of the law of standing under chapter 227 (and the cases interpreting that chapter) has concerned the chapter as it existed prior

to the 1975 amendments. These amendments were intended to be consistent with the court's conclusion in WED v. PSC that "the law of standing is not to be construed narrowly or restrictively" (Id at 13). Throughout the revision of chapter 227, the words "legal rights, duties or privileges" were replaced with the words "substantial interests". According to the Judicial Council's explanatory notes, which accompanied the text of the bill:

The use of the words "substantial interests" is intended to broaden, not lessen, the definition of "contested case" and other phrases to which the "substantial interests" language relates.

Another modification with respect to standing requirements was the substitution of the word "adversely" (i.e. "adversely affects") in section 227.15 for the word "directly." This change was intended to avoid any semantic argument over standing through public interest groups. [Judicial Council explanatory notes, note to section 19].

Under the case law and these subsequent modifications of chapter 227, it appears that the standing requirement should not be a significant obstacle to individual citizens or public interest groups seeking review of administrative decisions.

b) Nuisance actions

In addition to bringing actions for review of administrative decisions, citizens can take direct action to protect their interests in coastal resources. One important mechanism for doing so is the statutory and common law of nuisance.

Citizens can bring actions to abate both private nuisances (section 844.01) and public nuisances (section 823.01). According to section 823.01:

Any person, county, city, village or town may maintain an action to recover damages or to abate a public nuisance from which injuries peculiar to the complainant are suffered, so far as necessary to protect the complainant's rights

and to obtain an injunction
to prevent the same.

If a nuisance does not injure an individual in a manner different than it affects members of the public in general, it is a public nuisance and an action to abate it must be brought under section 823.02. Such actions can be brought in the name of the state upon relation to the attorney general, but require leave of the court (as discussed in part e 1 (b) above).

On the other hand, a public nuisance which causes a particular injury to an individual different in kind and degree suffered by the public also constitutes a "private nuisance". Yet a private nuisance to an individual may also be a private nuisance to other individuals, if it affects them other than in their capacity as members of the public. The test is not the number of persons injured, but rather the character of the injury. Costas v. City of Fond Du Lac (1964), 129 N.W. 2d 217, 24 Wis. 2d 409)

Bringing an action as a private nuisance (whether or not it is also a public nuisance) has the advantages that leave of the court is not required and monetary damages may be awarded.

c) 6 - Citizen Complaints

Another type of citizen action which bears an important relationship to the issue of standing is the 6 - citizen complaint procedure. As discussed briefly above (part 3.a.), the verified complaint of 6 or more citizens relating to alleged or potential environmental pollution compels the DNR to hold a public hearing. The department disposition of the complaint would generally be reviewable under sections 227.15 and 227.16. Thus, this statutory procedure is an important mechanism for enabling citizens to force the DNR to fulfill its legal responsibilities with respect to environmental pollution.

4. The Conflict Resolution Process

a. Introduction

The ability to resolve conflicts among competing uses is of importance to efficient and effective governmental coordination in the Coastal Management Program. Conflict resolution is important for ensuring a consistent management program on the part of local governments, state government, and federal agencies. Therefore, a conflict resolution process should be set forth to promote expediency and surety.

It should be reiterated that the Wisconsin Coastal Management Program does not dictate or recommend a comprehensive set of new regulations. Through its agencies, the state already has the capacity to control those uses recognized as having a "direct and significant" impact on the coastal environment. The Coastal Management Council will, as one of its five major objectives, emphasize coordination of these regulations and restrictions. Coastal policies, which are set out in the first chapter of the Program Proposal, have been adopted in the state and are being constantly revised and updated.

Central to any conflict resolution process is the recognition of the Governor's role in coordinating and managing the diverse elements of the executive branch in Wisconsin government. An analysis of the constitutional limits to gubernatorial authority is given earlier in Appendix H.

The use of an executive order is one method of promoting cooperation and compliance among agencies implementing the coastal management program. The purpose of the executive order is to formally set the Governor's authority behind the objective of assuring that a coordinated and consistent coastal program is carried out in Wisconsin. Several statutes, which are discussed in more detail earlier in Appendix H, speak to the Governor's authority in this regard. These include Sections 15.001 and 16.54.

Interagency agreements, also discussed in detail earlier in Appendix H, will be used as a means of formalizing voluntary compliance by state agencies in executing the program's goals and policies.

b. Present Methods of Conflict Resolution

There are a number of mechanisms currently in use to help resolve potential conflicts. The following offers a description of how these mechanisms are used among the different levels at which conflict might occur. It should be acknowledged that many of the techniques in use do not resolve conflicts in themselves. Rather, they are often of an informational nature, whereby the provision of a better understanding of the features of an issue leads to preliminary avoidance of intergovernmental conflicts.

(1). Administrative review process

Government agencies should negotiate or discuss differences in an attempt to resolve conflicts or potential conflicts before seeking judicial recourse. Sections 14.03, 15.001, 16.001, 20.901, and 22.03, Wisconsin Statutes, provide for interagency coordination and cooperation in the interest of governmental efficiency. However, a formalized and unqualified conflict resolution process in Wisconsin does not exist. If a resolution is unachievable through negotiation by the parties involved, the Governor may be asked to intervene to set forth and advocate the state's official position on an issue. OSPE and other agencies may be asked by the Governor to provide staff support in the determination of the gubernatorial position. It should be mentioned that although state agencies may be compelled to be consistent in their actions with federal policies and regulations, the Governor cannot generally compel a federal agency to be consistent with state policies and regulations. With the latter case, the ultimate resolution point is located within the judicial system.

An example of a conflict undergoing an administrative review process and involving a federal agency occurred with the proposed Port Washington recreational boat harbor. The dispute principally involved the Wisconsin Department of Natural Resources (DNR) and the U.S. Army Corps of Engineers (COE), and centered on the method of disposal for dredged spoils. EPA testing of the harbor bottom indicated that dredged spoils would not, according to federal standards, be polluted. Thus, the COE maintained that it would not be contrary to federal policy to dump dredged spoils into Lake Michigan. On the other hand, DNR maintained that the spoils are pollutants and that open water disposal of dredged spoil would be a direct violation of Wisconsin law. All parties were in favor of the project. DNR maintained that a land disposal site would have to be found, and the COE maintained that a land disposal site would warrant another Environmental Impact Statement. The Governor was asked to intervene by the parties. After deliberations and meetings, the Governor decided to uphold DNR's position,

although he did encourage the COE to continue its planning, since DNR and Port Washington were working to find a suitable land disposal site. Presently, the controversy is still not resolved, and may delay similar projects.

Since all private interests and local governments must comply with all applicable state regulations and guidelines, another example could be illustrated with shoreland zoning (which is discussed in detail in the "managed uses" section of this appendix). Here, all counties are required by state statute to adopt shoreland zoning programs in unincorporated areas which meet the Department of Natural Resources' standards and criteria. DNR district offices are to receive copies of all applications and timely notice of hearings on amendments, variances, and special exceptions. There is frequent informal contact made with all counties so that DNR is usually aware of possible problems far ahead of the notice review. DNR district staffs also have review appeals for special exceptions, mainly to assure that appropriate conditions are required and enforced.

(2). A-95 review and comment

The regulations promulgated under OMB Circular No. A-95 are aimed at promoting more effective coordination of planning and development activities carried on or assisted by the Federal Government. An applicant desiring federal assistance for a project sends a notice of intent to file to the clearinghouse. The coastal regional planning commissions and the Office of State Planning and Energy (OSPE) serve as the respective regional and state clearinghouses. One exception is in the Northeast, where Bay Lake RPC is not a regional clearinghouse.

The clearinghouse reviews and secures views of state agencies, local governments, and interested non-governmental entities which might have programs affected by the proposed project. If the reviewers do not raise any questions or problems, the clearinghouse will either send supportive comments to the applicant or may defer comments and request a completed application for review. Clearinghouse comments are based on the extent of conformance a project would have with respect to locally adopted regional plans or state plans and policies. If there are issues which need resolution, arrangements are made for negotiating their resolution. After the initial 30-day period for reviewing the notice of intent, the clearinghouse may, if necessary, request an additional 30 days for review of the application. If the first submittal is the application itself, the clearinghouse has 60 days to review the application.

The application and comments are forwarded to the applicant, who then submits them to the federal funding agency. Federal agencies are directed to return applications that do not carry evidence of fulfilling the A-95 requirements, which include either attached comments from the clearinghouse or a certification by the applicant that he has provided the clearinghouse

with the appropriate opportunity to review his application and has received no comments.

The funding agency considers the application and comments and informs the clearinghouse of the action taken thereon. Where funding agencies approve an application contrary to the recommendations of a clearinghouse, they are required to explain in writing to the clearinghouse why its recommendation was not accepted. A new requirement states that where a clearinghouse has pointed out a proposed project may conflict with or duplicate an activity funded by another federal agency, the funding agency must consult with that agency prior to approving the proposed project. Although A-95 requirements state that a federal agency must take the recommendations of a clearinghouse into consideration, the requirements do not obligate a federal agency to act or refrain from acting contingent upon those recommendations.

(3). Wisconsin Environmental Policy Act (Sec. 1.11, Wisconsin Statutes).

Applying to all state agencies, the act requires that all proposals and recommendations for legislation and other major activities have a detailed environmental and economic impact statement prepared before a decision is made, if the potential impact is deemed sufficiently important. The statement explains how the environment is affected and substantially follows the guidelines of the National Environmental Policy Act.

Prior to finalizing any detailed statement, agencies are required to consult with and obtain the comments of any agency which has jurisdiction or special expertise with respect to any environmental impact involved. Such comments and reviews are made available to the Governor, DNR, and the public. Every proposal, other than legislative, is also given a public hearing before a final decision is made (Sec. 1.11(2)(d)). Sec. 1.11(2)(e) mandates the study, development, and description of appropriate alternatives to recommended courses of action in any proposal involving unresolved conflicts. However, Sec. 1.11(4)(c) does not obligate any agency to act or refrain from acting contingent upon the recommendations or certification of any other state agency.

Of course, in addition to the requirements of WEPA, state actions and proposals must be in conformance with state environmental regulations and policies.

(4). Office of State Planning and Energy

The Office of State Planning and Energy (OSPE) has been the lead agency in the development of the coastal management program. Sec. 16.95, Wisconsin Statutes, directs the Department of Administration to promote and coordinate a comprehensive system of state planning. This function has been assigned to OSPE. Specifically, Sec. 16.95(5) mandates state planning to advise

and assist state agencies in their development and maintenance of comprehensive plans, and to advise them of the impact of related plans of other state agencies. Sec. 16.95(7) requires the identification of both duplication and program gaps in the plans and the measurement of the agency plans with the state goals enacted by the Governor and the Legislature. Thus, OSPE has the statutory responsibility to interrelate and coordinate the planning activities of other state agencies with respect to state goals, policies, and plans established by the Governor and the Legislature. OSPE has been designated by the Governor as the state A-95 Clearinghouse, and as the central coordinating agency for interagency implementation of the Wisconsin Environmental Policy Act.

OSPE co-chairs, with the Department of Natural Resources, the interagency committee on WEPA. Specific coordinating committees on land use and on economic development have been established at the directive of the Governor. Along with the Department of Local Affairs and Development, OSPE is also responsible for the development of the State's Comprehensive Planning Assistance Grant (701) Application. Close programmatic working relationships have been established with several state agencies, the three coastal regional planning commissions, and coastal local units of government.

OSPE will continue to be the lead agency to solicit, receive, and administer federal funds for the coastal management program. The agency would house a small central staff for the Coastal Management Council, and, based on the statutory and program responsibilities noted above, would play a central role in the coastal program's coordinative activities.

(5). The Budget Process

The state budget process has increasingly become a primary mechanism through which interagency conflicts are resolved. It is objective and program oriented. The process directly involves state agencies, the Governor, and the Legislature. The Governor is responsible for proposing and carrying out policies and the Legislature determines what policies and programs will be authorized by law.

The budget process begins with each agency submitting its budget request to the Department of Administration (DOA). Sec. 16.42(1) (a) requires all departments to give a clear statement of the purpose and goal of each program and subprogram. This is achieved through the policy issue paper, which is designed to identify significant program or policy issues, assess alternatives and recommend a course of action which addresses the program or policy issue. Policy issue papers are prepared both by state agencies and DOA. DOA also identifies other issues which it believes agencies should address, as well as any program overlaps, as the Governor can initiate and require agencies to respond to identified policy areas.

Budget analysts, assigned to review specific agency requests keep in close touch with their respective agencies to resolve discrepancies. OSPE is also selectively involved in the budget process through development and review of policy issue papers so as to follow through gubernatorial initiatives. The Governor selects from among the various agency budget requests those which will go forward to the Legislature. Documentation furnished by the agencies, individual meetings with the agencies, and analyses performed by DOA and OSPE all help to provide a basis for discretionary gubernatorial recommendations to the Legislature. In the Legislature, proposals are subject to public hearings and reviews with agencies by the Joint Committee on Finance. After the budget is enacted by the Legislature, it becomes subject to the approval of the Governor. Under Article V, Section 10 of the Wisconsin Constitution, appropriation bills may be approved in whole or in part by the Governor, with the part approved becoming law. Vetoed items are reviewed by the Legislature and may be passed into law by a vote of two-thirds of both houses.

(6). Interagency Committees

Interagency committees are another technique for helping to resolve conflicts. An example would be the Environmental Liaison Committee, established by the Department of Transportation and the Department of Natural Resources. The Committee meets periodically to discuss the forthcoming activities of the two agencies. For example, bridges in or over navigable waters are subject to the jurisdiction of both departments. The purpose of Chapter NR 320, of the Administrative Code, is to provide uniform clearance and flood flow standards for DNR's review and approval of such bridges. DOT prepares the state highway plan, which includes the designation of sites and alternative sites for bridges. Therefore, the Committee primarily serves as an informational forum through which knowledge of each agency's plans and regulations help to avoid conflicts.

(7). Judicial Review

The state administrative procedures act generally sets the framework for judicial review of agency actions and decisions (this topic is discussed in more detail in a preceding section of Appendix H). Sec. 227.15 defines what administrative decisions are reviewable by the judiciary. These include any decision which adversely affects the substantial interests of any person, whether by action or inaction, and whether they are alternative or negative. Sec. 227.16 provide that "any person aggrieved" by a decision specified in 227.15 shall be entitled to judicial review. The phrase "person aggrieved" is defined in Sec. 227.01(8) as any person or agency whose substantial interests are adversely affected by a determination of an agency.

The attorney general also has standing to initiate judicial review, since as the head of the Department of Justice he is charged with representing the state and protecting the public interest. The most important public interest in Wisconsin relative to coastal management purposes is the public trust in

navigable waters and the lands underlying them. The public intervenor, as an assistant attorney general autonomous from the rest of the justice department, also has standing under Sec. 165.07. Finally, under the case law and Chapter 227, the standing requirement would not be a significant obstacle to individual citizens or public interest groups seeking review of administrative decisions.

(8). The National Environmental Policy Act of 1969

The Act requires federal agencies to prepare an Environmental Impact Statement (EIS) for any proposed major federal actions that may significantly affect the environment. Sec. 102(2)(e) of the Act calls for inputs into the development and evaluation of EIS's by state and local agencies authorized to develop and enforce environmental standards. Affected or interested state agencies, local governments and citizens are also provided the opportunity to interject reviews and comments. In Wisconsin, DNR is the designated lead agency to develop, review, and comment upon EIS's, while OSPE is the designated coordinating agency. Although federal agencies should take the evaluations and reviews of other agencies, federal, state or local, into consideration in their decision-making, as with the A-95 process they are not obligated to act or refrain from acting contingent upon these reviews and recommendations.

c. Conflict Resolution Under the Coastal Management Program

For the most part, the formal decision-making process with issues concerning the coastal management program will remain as it is, except as noted below. This is because all specific implementing responsibilities will continue to be handled by the agencies having jurisdiction over these issues. However, several important new elements will be introduced into the present system of conflict resolution. These elements include the Coastal Management Council (CMC), the Citizens Advisory Council (CAC), the establishment of specific management policies for designated geographic areas of management concern, and the requirement of federal consistency to the policies of the federally approved management program.

The role of the CMC in the conflict resolution process will be significant. It would attempt to resolve those conflicts before they would normally advance to the Governor's office. Being composed of members representing state government, local governments, regional planning commissions, the public, and tribal governments, it would serve as the logical forum for this purpose. The Council will use existing vehicles, such as A-95 review and comment, NEPA review and comment, and WEPA review and comment, to improve coordination and assure a consistent management program in the state. For example, the coastal management program provides the needed policy basis for A-95 reviews of projects affecting the coastal area. The CMC would insert coastal management concerns into such reviews, taking into consideration the program objectives and state coastal policies. The CMC would become part of the administrative

appeals process, could become involved in judicial appeals, and has decision-making authority for those issues involving program operation (such as approving the budget, designating areas of management concern, etc.). Since the CMC will function on a committee structure, it is conceivable that a special committee may be established to specifically address the resolution of conflicts.

One of the functions of the CAC will be to monitor the implementation of the program. This could include identifying impending conflicts, and bringing them to the attention of the involved parties or the CMC. A second function, that of sponsoring public participation and public education programs, can also serve to identify potential conflicts and facilitate early resolution.

Two other functions of the program in the GAMC process and the federal consistency provisions also can aid in the conflict resolution process (these functions are described in detail in the main body of this proposal--the GAMC process at section IIB1 and federal consistency at Section III). With the GAMC process, policies for specific areas are proposed by the managing agency. These proposals are reviewed by local, state, and federal agencies, and the public. A specific mediation process is set up for conflicts. With the federal consistency provisions, specific procedures are set forth for improving the coordination of state and federal management programs.

B. Creating the "Council"

1. Introduction - Option

Up to this point it has frequently been stated that the new state level body which will coordinate the proposed management program will be the "Coastal Council". However, the creation of a council is only one of several options which still need to be considered. Both the type of body that is created and the authority it can exercise depend to a very large extent on how it is created.

One alternative for creating the body that has already been rejected is comprehensive legislation. It has been concluded that rather than seeking comprehensive legislation at this time, the focus of the program should be on improving and coordinating the existing management system while studying the need for longer term reforms.

Yet, short of comprehensive legislation, there are still a number of possible methods for setting up a new state level body. The possibilities for the exact nature and role of this body are almost limitless, but they be broken down into three general categories. The simplest approach politically and the least comprehensive would be the creation of a committee by executive order, pursuant to section 14.019 of the Wisconsin Statutes. Another option is to create an "advisory council" by legislation. A third alternative is the creation of a policy-making board.

How each of these options might be implemented and some of the advantages and disadvantages of each option will be discussed. Which of these alternatives is chosen will depend on a careful balancing of a number of factors, particularly political considerations and the desired role of the new body.

2. Creation of a Committee by Executive Order

Section 14.019(1), Wis. Stats., provides that "the governor may, by executive order, create nonstatutory committees in such manner and with such membership as he desires, to conduct such studies and to advise him in such matters as he directs." Having created a coastal committee, pursuant to section 14.019, the governor might then grant it additional powers for the implementation of a federally funded program under section 16.54 (discussed in part A above).

An executive order is probably the simplest method, at least from a political perspective, of creating a state level body; however, there are a number of drawbacks. One possible objection to the establishment of a committee pursuant to section 14.019 and 16.54 is the argument, raised in a 1964 attorney general's opinion, that the governor could not create a commission or committee under section 16.54. The specific issue considered in that opinion (53 OAG 60) was whether, under the authority of sec. 16.54, the governor could create a commission (by executive order) to accept and administer the benefits made available to public and private institutions of higher learning under the Higher Education Facilities Act of 1963.

The attorney general found two difficulties in using sec. 16.54 as a source of authority for an executive order creating a new commission to accept and administer the benefits of the federal act. The first problem was with the word "designate" in that part of 16.54(2) which provides that "the governor shall designate the state board, commission or department to administer any of such funds." The attorney general concluded that "[t]he word designate is not synonymous with the word 'create'." (53 OAG 60, 63) The second and more significant reason for ruling that the governor could not use 16.54 as a source of authority for creating a commission was the conclusion that to so construe the statute "might be invalid as an attempted delegation of legislative power to the governor." (53 OAG 60, 64, emphasis added)

This opinion can be distinguished on several grounds. For one thing it is probable that the DOA, rather than the "coastal committee", would be designated the lead agency to accept and administer the federal funds. Yet even if the committee is appointed to accept and administer the funds, it must be kept in mind that subsequent to the attorney general's opinion the legislature enacted section 14.019, which explicitly provides that

the governor may create "nonstatutory committees" by executive order. Furthermore, it should also be noted that the opinion only concluded that the power to create the proposed commission "might" be invalid on constitutional grounds. Sec. 14.019 provides for the length of time that committee shall serve and makes reference to funding, thus eliminating some of the attorney general's problems with using sec. 16.54 as the source of authority for creating a new body. Although a number of non-statutory committees have been created pursuant to sec. 14.019, the constitutionality of these committees and of the section itself have not been challenged. Thus, it is reasonable to assume that a "coastal committee" could be established by executive order sec. 14.019.

A more significant issue, however, is whether such a committee would have sufficient legal authority to implement the proposed Wisconsin management program (and to satisfy the federal Act's requirement for program approval). A committee has relatively little statutory authority. Sec. 14.019(1) merely gives a non-statutory committee the authority to "conduct such studies and to advise him [the governor] in such matters as he directs." "Committee" is also defined in section 15.01(f), as follows:

"Committee" means a part-time body appointed to study a specific problem and to recommend a solution or policy alternative with respect to that problem, and intended to terminate on the completion of its assignment. Because of their temporary nature, committees shall be created by session law rather than by statute.

This definition applies explicitly only to Chapter 15, but there is no apparent reason to believe that a different definition would apply to the term as it is used in sec. 14.019. In any event, both 14.019 and 15.01 makes it clear that a committee's role is only temporary. When the committee is established by executive order it not only may be abolished at the governor's pleasure (14.019(1)(a)), but it also expires at the end of his term of office unless the new governor provides for its continued existence (14.019(1)(b)).

Even if the fact that the committee's role is only temporary is acceptable, there is the additional problem that its statutory role is merely advisory (secs. 14.019 and 15.01(f)). It is questionable whether a committee's limited advisory power would be sufficient to implement Wisconsin's proposed management program.

It can be argued, however, that even though a committee's statutory defined functions are narrow, its authority can be expanded by executive order issued pursuant to section 16.54. A number of attorney general's opinions, discussed above with respect to executive orders and sec. 16.54 clearly support this argument.

Yet the limits on the governor's power to increase an agency's or a committee's authority in this manner are hardly clear. It would appear, however, that the governor can at least give the "coastal committee" the authority to coordinate Wisconsin's management program.

The conclusion that the governor can not only create a new body but can also grant it executive power for the coordination of the coastal management program is supported by a recent opinion interpreting sec. 16.54 (63 OAG 453). This 1974 Attorney General's Opinion concerned an agreement entered into by Kenosha, Racine, and Walworth counties to form a Tri-County Comprehensive Employment and Training Act Consortium. The purpose of the proposed Consortium was to accept and administer federal funds for manpower training and education. The Attorney General concluded that the counties did not have the authority under the Wisconsin statutes and the existing facts to form the Consortium or to carry out the provisions of the federal act. However, he concluded that the counties could have been granted such authority under sec. 16.54(6):

Under subsec. (6), the Governor could designate counties as agencies to carry out the provisions of the federal act within their respective areas. Counties could then enter into agreements with other counties or with municipalities to qualify as prime sponsors. The provisions of sec. 16.54(6), Stats., are presumed constitutional and the legislature intended that the Governor have such power with respect to federal legislation enacted after sec. 16.54, Stats., became law. (63 OAG 453,464)

If such a consortium can be created and given the authority to accept and administer federal funds, pursuant to sec. 16.54, then it seems reasonable to assume that the governor could give a new "coastal committee" the power to coordinate the Wisconsin management program in cooperation with existing state agencies.

On the other hand, as discussed above, it is doubtful that the governor can require state agencies to comply with policies or guidelines adopted by the committee. What the governor can not do by executive order might be accomplished by interagency agreements, but, as we have seen, there are also limits on this mechanism for ensuring compliance. Just how much can be done by executive order and interagency agreements is still being discussed with the attorney general's office. Of course, the answer to this question also depends on what agencies such as the DNR and PSC are willing to agree to. Suffice it to say that at this point it is still unclear whether a committee set up by executive order under sections 14.019 and 16.54 would have sufficient authority to implement an effective management program and/or to get OCZM approval.

3. Legislative Creation of a Council

A second general option is to seek legislative creation of a council. This alternative has a number of advantages. First, the creation of a "council" gets around the problem that a committee is only a temporary body. The definition of a council provides that it is "appointed to function on a continuing basis..." (15.01(6)). As far as definitions go, however, a council serves essentially the same role as a committee in that its function is "the study and recommendations of solutions and policy alternatives..." (15.01(6)). Section 15.01(5) elaborates on this definition slightly, and provides that a council "shall advise the head of the department or independent agency in which it is created..."

Although the statutory definition of a council is much the same as that of a committee, going the legislative route has the advantage of adding flexibility in the type of body that is created and where it is placed. One possible option would be to create a council and place it in an existing state agency. Most state agencies have several councils. The Department of Administration, for example, contains the council on administrative policy and procedures; the council on printing, and the council on population estimates (15.107).

Another option is to place the council in the executive office. Among the councils which are already in the executive office are the council on highway safety and the council on alcohol and other drug abuse (14.017).

Creating the council by legislation also has the advantage of providing a logical opportunity for the legislature to define its function. Because a council's role is defined by statute as advisory it might still face many of the problems discussed above with respect to a nonstatutory committee. But since the council is established by the legislature, the legislature can also resolve these problems. For example, the legislature could provide that the council will cooperate with other agencies and coordinate their activities in the coastal zone. An explicit delegation of such function by the legislature would obviate the need to determine whether an executive order could vest those functions in the state level body.

Since a council is defined as an advisory body, a question might arise as to whether the legislature can create a "council" which has policy-making functions. On the basis of the definitions set forth in sec. 15.01, one might surmise that only boards or bodies higher than boards can function as policy-making units, but in at least two cases the legislature has at least come very close to assigning the function of determining policy to councils in the executive office. Section 14.24(3)(c) provides that the council on alcohol and other drug abuse may "define responsibility

among state agencies for various alcohol and other drug abuse prevention and control program and direct cooperation between state agencies." The human services coordinating council is directed not only to "advise the governor, the legislature and state agencies" but also to "develop policy statements that focus on comprehensive delivery of services" (14.26(1)). The sections of the statutes establishing the functions of these two councils provide a good example of the types of provisions that might be pursued if legislation were sought to establish a state level body for the coastal program. These sections should be examined carefully to see if they far enough in providing the type of authority which would be necessary for a "coastal council".

With respect to whether a particular legislative grant of authority to a council gives it policy-making power, if the grant were ambiguous the court could look at the definitions in sec. 15.01 and conclude that the council did not have such power. On the other hand, if the legislature clearly and explicitly gives a council the authority to determine policy, a court would give the explicit grant of authority more weight than the general definition. Of course, whether the legislative council would support and the legislature would adopt a bill that created a policy-making body but called it a council is another question.

One obvious and significant drawback of establishing a new state level body by legislation and attempting to have the legislature give it broad authority is the risk of failure. The more authority that is sought for the new body the larger this risk becomes. Furthermore, to rely on legislative support of a bill could make rejection of that bill months from now a significant blow to the chances of putting together an acceptable management program. Yet, as discussed above with respect to requiring cooperation and compliance, if the contingency that a bill does not pass is accepted and planned for, it would be possible to fall back on use of an executive order and interagency agreements. In such case relatively little would be lost by attempting unsuccessfully to have the legislature create the council.

A more significant drawback to using legislation is the desire to avoid creating a new governmental bureaucracy and to avoid new governmental restrictions on citizens. Rather than setting up a new super-agency, the approach taken in developing the Wisconsin program has been to coordinate and improve existing programs before adding new ones.

4. Legislative Creation of a Board

The major advantage of the creation of a board as the new state level body should be apparent by now - boards, rather than councils, are the usual governmental units to make policy. Section 15.01(5)(a) defines a board as a "

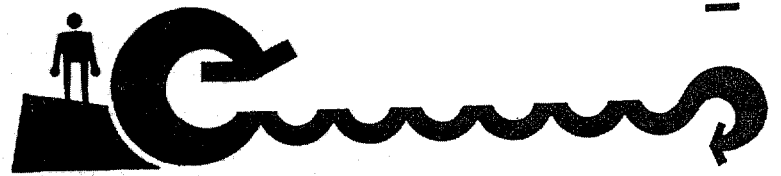
"part-time body functioning as the policy-making unit for a department or independent agency or a part-time body with policy-making or quasi-judicial powers."

Since a primary function of the proposed level body is the preparation of goals and guidelines, the creation of a board is clearly a more logical and more desirable option than the creation of a council. Yet since it is a stronger option, it would also probably be more controversial, and the risk of failure is, therefore, greater. Of course, if a bill creating a board were not approved, the bill could still possibly be amended for the creation of a council.

Another, less significant, advantage of a board is that under sec. 15.03 it can be attached to a department or independent agency and yet still be relatively autonomous from that body. Section 15.03 states that:

Any division, commission or board attached under this section to a department or independent agency or a specified division thereof shall be a distinct unit of that department, independent agency or specified division. Any division, commission or board so attached shall exercise its powers, duties and functions prescribed by law, including rule-making, licensing and regulation, and operational planning within the area or program responsibility of the division, commission or board, independently of the head of the department or independent agency, but budgeting, program co-ordination and related management functions shall be performed under the direction and supervision of the head of the department or independent agency.

This option is not available for councils. The autonomy which can be provided under this section might be an asset for the proposed state level body.



I. FEDERAL CONSULTATION

Introduction

This Appendix is in two parts. The first section identifies federally excluded lands in Wisconsin. The second section, which is the bulk of this Appendix, details the Wisconsin program's consultation with federal agencies in program development. The section is arranged alphabetically by federal agency. There are four parts to the discussion for each agency: (1) a contact person; (2) a statement of the agency's national interest in the coastal area; (3) a listing of the agency's activities to which the consistency provisions apply; and (4) a log of contacts with the agency.

Note: The log contains entries through September 1, 1977; it is currently being updated.

I. FEDERAL EXCLUDED LANDS IN WISCONSIN

Department of the Air Force - Air National Guard

General Mitchell Field - owned in fee - 100 acres; 64 acres under lease

National Forest

Chequamegon

Islands

Apostle Islands National Lakeshore (excluding Madeline and Long Islands)
Spider Island, Gravel Island, Hog Island

Naval Reserve Training Centers

Racine - 212 Hamilton Street and selected areas of Lake Michigan

Milwaukee - 2401 S. Lincoln Memorial Drive

Sheboygan - 905 S. 8th Street

Green Bay - Foot of Hubbard Street

Coast Guard

(as reported by Coast Guard on September 19, 1977)

<u>Property</u>	<u>City</u>	<u>County</u>	<u>Acres</u>
Algoma Pierhead LtSta	Algoma	Kewaunee	.4
Baileys Harbor Range Lt.	Baileys	Door	4.4
Bayfield Moorings	Bayfield	Bayfield	.5
			.1
Boyer Bluff Light	on Washington Island	Door	.1
Cana Island Lt.	Bailey's Harbor	Door	8.7
Chambers Island Lt.	on Chambers Island	Door	900 SF
Chequamegon Point Lt.		Ashland	1.8
Devils Island Light Station	Bayfield	Bayfield	24
Dunlap Reef Light		Marinette	.2
Eagle Bluff Light	Near Fish Creek	Door	1.02
Fox River ANT Station	Menasha	Winnebago	0.126
Green Bay Hbr. Ent. LtSta	Green Bay	Brown	Off Shore
Green Island Light	in Green Bay	Marinette	0.8
Gull Island Light	La Pointe	Ashland	3.4
Kenosha CG Station	Kenosha	Kenosha	1.0
Kewaunee Pierhead LS	Kewaunee	Kewaunee	.7
La Pointe LS Res.	Ashland	Ashland	.7
Manitowoc Brkwtr. LtSta	Manitowoc	Manitowoc	0.2
Michigan Island Light		Bayfield	0.23
Milwaukee Breakwater LS	Milwaukee	Milwaukee	Off Shore
Milwaukee CG Base	Milwaukee	Milwaukee	Permit
Milwaukee CG Station	Milwaukee	Milwaukee	1.2
(INDIAN OCCUPIED)			
North Point Light	Milwaukee	Milwaukee	1.6est.
Outer Island LtSta	Bayfield	Ashland	.021

Peshtigo Reef Light		Oconto	Off Shore
Pilot Island Light Station		Door	3.7
Plum Island CG Station	Washington	Washington	325
Port Washington LtSta	Port Washington	Owauke	.3
Pottawatomie Light		Door	400 SF
Raspberry Island Light	Bayfield	Bayfield	.021
Rawley Point Lt Station	Two Rivers	Manitowoc	9.2
Sand Island Light Station	Sand Island	Bayfield	1.03
Sheboygan CG Station	Sheboygan	Sheboygan	4.8
Sherwood Point LtSta	Sturgeon Bay	Door	1.3
Sturgeon Bay Range Lts.		Door	0.074
Sturgeon Bay Canal Station	Sturgeon Bay	Door	1.3
Tail Point Light 24		Brown	36' x 36'
Two Rivers CG Station	Two Rivers	Manitowoc	1.22
Wind Point Lt.	Racine	Racine	2.226

Indian Reservations*

Bad River Reservation
Red Cliff Reservation

Federal Mineral Ownership Outside National Forests

The following counties have substantial parcels of land with federal mineral ownership within the coastal management area:

Douglas	Brown
Bayfield	Kewaunee
Iron	Racine
Oconto	Kenosha
Ashland	Sheboygan
Door	Manitowoc
Marinette	

* The State recognizes the unique sovereign status of tribal government and will provide assistance to address coastal issues (see policy on Tribal governments in Chapter III, Section E, of the program proposal).

II. FEDERAL CONTACTS, NATIONAL INTEREST,
CONSISTENCY AND LOGS

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

4601 Hammersley Road, Madison, Wisconsin 53711

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February 3, 1976

DEPARTMENT OF AGRICULTURE

CONTACT: Mr. Kenneth M. Cookson
Soil Conservation Service
4601 Hammersley Road
Madison, Wisconsin 53711

Allen H. Miller
Program Administrator
Department of Administration
1 West Wilson Street
Madison, Wisconsin 53702

Dear Mr. Miller:

This is in reply to your letter of January 22, 1976 to Gerald Root.

We are pleased to have the opportunity to make a statement concerning our interest in the Coastal Zone Management program. Our statement follows:

NATIONAL INTEREST:

See attached letter from the Soil Conservation Service

I. Interests and Concerns

The Soil Conservation Service (SCS) is the U.S. Department of Agriculture's technical arm in the field of soil and water conservation. As such SCS provides technical assistance to land users concerning land use and conservation treatment on private (nonfederal) lands of the nation. Most of this technical assistance is provided through local soil and water conservation districts which are responsible for developing and carrying out programs of conservation.

SCS and local soil and water conservation districts recognize the importance of identifying critical resource areas such as the coastal zone and developing programs of treatment and protection. Therefore, SCS will assist in developing and carrying out a statewide coastal zone program within the limits of its authorities (listed below) and its resources.

FEDERAL CONSISTENCY:

a. All direct development programs

- b. Farm Labor Housing Loans and Grants (FMHA) (10.405)
Low to moderate Income Housing Loans (FMHA) (10.410)
Rural Housing Site Loans (FMHA) (10.411)
Rural Rental Housing Loans (FMHA) (10.415)
Water and Waste Disposal Systems for Rural Communities (FMHA) (10.418)
Watershed Protection and Flood Prevention Loans (FMHA) (10.419)
Community Facilities Loans (FMHA) (10.423)
Industrial Development Grants (FMHA) (10.424)
Resource Conservation and Development (SCS) (10.901)
Watershed Protection and Flood Prevention (SCS) (10.904)
River Basin Surveys and Investigations (SCS) (10.906)

II. Authorities

Our major authorities and programs are explained in the attached publication and briefly summarized below:

1. Public Law 46, 74th Congress, 1935, authorized the development and implementation of a national soil and water conservation program through soil and water conservation districts.
2. Public Law 566, 83rd Congress, 1954, authorized the development and carrying out of river basin investigations and watershed protection and flood prevention projects in cooperation with other agencies.



3. Public Law 703, 87th Congress, 1962, authorized the development and carrying out of multicounty resource conservation and development projects.
4. Other authorities include primary responsibility for the national cooperative soil survey, national inventory of soil and water conservation needs (CNI), and providing technical conservation assistance to land users under the U.S. Department of Agriculture's cost-sharing and loan programs.

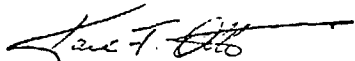
The Soil Conservation Service does not have any regulatory or enforcement powers in the field of soil and water conservation.

III. Expertise (Coastal Zone Area)

1. Make and interpret soil surveys.
2. Identify land use and treatment needs.
3. Recommend land use and treatment alternatives and standards.
4. Carry out through soil and water conservation districts conservation programs of land treatment.

Do not hesitate to call on us if more information or assistance is needed in carrying out the Coastal Zone Management program.

Sincerely,


Acting State Conservationist
J. C. Hytry
State Conservationist

Attachment

cc: G. Root, SCS, Madison, Wisconsin

Soil Conservation Service

1. October 15, 1975: Wisconsin CZ Program sent out contact letter with questionnaire.
2. October 17, 1975: State response from Soil Conservation designating contact.
3. November 4, 1975: Regional response from Soil Conservation Service designating contact.
4. January 8, 1976: Wisconsin sent mail pkg. to state representative (Gazette & Monitor)
5. January 16, 1976: Wisconsin CZ sent out 2nd qt. report.
6. January 23, 1976: Wisconsin CZ sent out 2nd official contact list requesting agency role statement.
7. February 9, 1976: Wisconsin received a response to January 22 role statement request.
8. July 14, 1976: Soil Conservation Service responded to Federal Authorities listing.
9. July 7, 1976: Wisconsin sent list of federal authorities for comments.
10. April 2, 1976: 3rd Qt Performance report sent.
11. July 19, 1976: Wisconsin sent letter outlining our timetable for 306 submission.
12. August 2, 1976: Wisconsin sent 4th qt. Performance report.
13. October 15, 1976: Wisconsin sent 3rd yr. Grant Application.
14. October 19, 1976: Wisconsin sent "expressed interest" document for review and comment by November 30.
15. November 2, 1976: SCS responded to our October 19th correspondence. They expressed an interest in maintaining the time frame used currently with A-95 and WEPA for review of "CZM" federal activities.
16. November 19, 1976: Wisconsin sent "Framework Paper", and Public Participation Evaluation for their information.
17. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15th and supplement Grant Performance Report.

18. December 6, 1976: SCS sent comments on Working Paper I, (Concerned about, among other things, authority to control sedimentation).
19. December 17, 1976: Wisconsin sent Working Paper 2 for comment by Jan. 10.
20. December 27, 1976: SCS responded to Working Paper 2: negative comments on size of proposed council
21. January 21, 1977: Wisconsin sent Working Paper 3 and Working Paper 4 for comment by February 4, 1977
22. February 1, 1977: SCS sent letter commenting on working papers 3 and 4.
23. March, 1977: Wisconsin CMP 1st Quarterly Performance Report sent.
24. April 7, 1977: Wisconsin sent WCMP Proposal-Draft for Review, Appendice, and Citizen Guide for comment by June 16.
25. April 20, 1977: Express favorable comment concerning need for CMP.
26. May 11, 1977: Wisconsin sent Coastal Survey and 2nd Quarterly Report.
27. May 31, 1977: Leonard C. Johnson suggested modification to the WCMP Proposal-Draft. 1) Add on Page 49, item C.2.S. - "Constructing & Maintaining County and Township Public Roads". 2) Slumping and eroding banks of rivers and creeks need attention. 3) Add Soil & Water Conservation Districts to list of agencies, Page 70.
28. June 9, 1977: Wisconsin invites Federal contacts to meeting June 30, 1977.
29. June 30, 1977: Gerald Root attended Wisconsin's Federal Contact Meeting.
30. July 28, 1977: Wisconsin requested changes in the Federal contact list.
31. August 3, 1977: Change contact to: Kenneth M. Cookson, Assistant State Conservationist-Programs.
32. August 10, 1977: Wisconsin sent 3rd Quarterly Performance Report.
33. August 26, 1977: Wisconsin notified Federal contact of program submission.

L O G

Economic Development Administration

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

CONTACT:

* Mr. James Schrader
Economic Development Administration
32 W. Randolph Street
Chicago, Illinois 60601

* Final designated contact pending appointment.

NATIONAL INTEREST:

No statement of national interest was received

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Grants and loans for public works and development facilities (11.300)
 - Planning Assistance (11.302)
 - Technical Assistance (11.303)
 - Public Works Impact Project (11.304)

1. October 15, 1975: Wisconsin CZ Program sent out contact letter and questionnaire.
2. October 24, 1975: Response received with no formal contact designated.
3. October 30, 1975: Wisconsin called to clarify the EDA contact response letter. James Peterson indicated he would act as a receiver of information until someone was appointed. (He didn't appear too interested in the whole thing but agreed to notify us of another contact in his place. I had to explain that we could not use his suggested contact (Jerry Marks, Dept. of Commerce).
4. December 12, 1975: Wisconsin called to check on status of CZ contact. Peterson's office indicated that there was still no contact named and that the position would be re-advertised in Eau Claire, Wisconsin. He said that the contact would be named shortly.
5. December 15, 1975: Wisconsin CZ made a follow-up phone call for EDA contact. We were informed there was still no contact and they suggested that the position would be filled with an EDA position in La Crosse, Wisconsin -(pending).
6. December 19, 1975: Wisconsin CZ sent a letter to Eileen Mulaney (cc: Dick Gardner) expressing concern over the delay in an EDA response to a formal contact.
7. December 29, 1975: Phillip Johnson (OCZM) contacted our office indicating we would have an EDA contact by January 6, 1976.
8. January 6, 1976: Phillip Johnson called to express his continued interest in helping us find out about an EDA contact. At this time we still had no word on a contact.
9. January 9, 1976: Wisconsin CZ called OCZM to again indicate - NO CONTACT.
10. January 16, 1976: Wisconsin called Phillip Johnson and we were told to use James Peterson as our contact until otherwise notified.
11. February 24, 1976: Wisconsin Quarterly Performance report sent.
12. January 23, 1976: Wisconsin CZ 2nd official letter sent requesting agency role statement.
13. February 3, 1976: Wisconsin CZ sent "Boater" Survey, Interim Report on Recreation.
14. February 11, 1976: Letter from Duluth office EDA (John Arnold).

15. May 27, 1976: Wisconsin sent Rec. Econ. (Mueller) study to EDA
16. July 19, 1976: Wisconsin sent letter indicating timetable for 306 plan submittal.
17. April 2, 1976: 3rd Qt. Performance Report sent.
18. July 7, 1976: Wisconsin sent full list of federal authorities for comments.
19. August 2, 1976: Wisconsin sent 4th Qt. Performance Report.
20. August 23, 1976: Council position paper sent.
21. October 15, 1976: Wisconsin sent 3rd year Grant Application.
22. October 19, 1976: Wisconsin sent "expressed interest" information for comment by November 30.
23. November 19, 1976: Wisconsin sent "framework paper" and pub. part. evaluation.
24. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15th and last quarterly performance report.
25. December 17, 1976: Wisconsin sent "Working Paper II" for comment by January 10, 1977.
26. January 21, 1976: Wisconsin sent "Working Papers III & IV for review and comment by February 4, 1977.
27. March, 1977: Wisconsin sent 1st Quarterly Report.
28. April 7, 1977: Wisconsin sent WCMP Proposal Draft for Public Review, Appendices and Citizens Guide for comment by June 16, 1977.
29. April 7, 1977: Frank Zakrajsek wrote memorandum pertaining to improved coordination between economic planning and development program and NOAA's CZM Program.
30. April 21, 1977: Met with Hal Charles and Jerry Kranner concerning funding for Indian Reservations.
31. May 11, 1977: Wisconsin sent Coastal Survey, 2nd Quarterly Performance Report.
32. May 20, 1977: Jim Schrader wrote that EDA is preparing a letter to respond to proposal with specifics.
33. May 23, 1977: Frank S. Zakrajsek, Acting Regional Director sent comments on Draft Proposal - concerned about lack of specificity with regard to GAMCs, "Coastal Zone Area" boundaries, federal consistency and a request for an addition to Federal Consultation list.
34. June 2, 1977: Al Miller sends reply to Zakrajsek letter of May 23.
35. June 2, 1977: Reply to F. Zakrajsek's April 7 letter by S. Born - explains state/regional role in economic planning and the relationship to the Wisconsin CMP.
36. June 7, 1977: James Schrader, Special Projects Officer, called to report Zakrajsek is in hospital and Schrader will serve as contact (not formal).
37. June 9, 1977: a) Letter from John W. Clark (Acting Regional Director) requesting private meeting to discuss EDA concerns about proposal.
b) Wisconsin invites all Federal contacts to meeting June 30.
38. June 17, 1977: Wisconsin has set up meeting for July 20.
39. June 30, 1977: James G. Schrader attended Wisconsin's Coastal Management Program-Federal Contact meeting (7/1 - requested list of attendees).
40. July 28, 1977: Wisconsin requested Zakrajsek to correct federal contact list (also send material to EDA Duluth).
41. August 2, 1977: Wisconsin wrote J. Schrader describing the WCMP and how it relates to state economic development planning as well as other state laws and policies.
42. August 10, 1977: Jim Schrader called to say Zakrajsek is too ill to return. Schrader will be contact.
43. August 10, 1977: Wisconsin and Quarterly Performance Report.
44. August 26, 1977: Wisconsin notified federal contact of program submission.



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Region
Federal Building, 14 Elm Street
Gloucester, Massachusetts 01930

DEPARTMENT OF COMMERCE (NOAA)

November 7, 1975

CONTACT: Mr. Christopher Mantzaris
National Marine Fisheries Services
191 Main Street
Gloucester, Mass. 01930

Mr. Allen H. Miller, Administrator
Wisconsin Coastal Zone Management
Development Program
State of Wisconsin
1 West Wilson Street
Madison, Wisconsin 53702

Dear Mr. Miller:

Thank you for your letter of October 10, 1975, regarding Wisconsin's Coastal Zone Management Program. The National Marine Fisheries Service is very much interested in establishing a working relationship that will permit our respective agencies to coordinate effectively in coastal zone matters of mutual concern.

NATIONAL INTEREST:
See attached letter for Department of Commerce - N.O.A.A.

Our goal, in essence, is to protect, conserve, and, where possible, enhance marine, inland commercial, and certain anadromous fishery resources and the habitats upon which they depend.

FEDERAL CONSISTENCY:

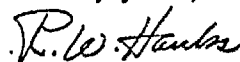
- a. All direct development programs
- b. Anadromous & GL Fisheries Conservation (11.405)
Commercial Fisheries Disaster Assistance (11.406)

In an effort to meet this goal, and to support the intent of Congress, as expressed in Section 303(b) of the CZM Act, we wish to aid your CZM program manager and staff wherever we can in identifying critical environmental issues, and to assure due consideration of living aquatic resources, their habitats, and associated biological systems.

We believe we can aid in the formulation of your CZM Plan by providing such biological, economic, and statistical information as is held by NMFS; also, by reviewing CZM documents during development, and by participating in CZM meetings and workshops. We offer this assistance to whatever extent you believe such actions will be helpful in plan development.

I am designating Mr. Christopher L. Mantzaris of our Environmental Assessment Division to assist you and your staff in CZM planning. Please feel free to contact him at any time, at 191 Main Street, Gloucester, Massachusetts 01930, telephone (617) 283-3907.

Sincerely yours,

for 
William G. Gordon
Regional Director

GENERAL STATEMENT REFLECTING THE NATIONAL MARINE FISHERIES
SERVICE CONCERNS, GOALS, AND OBJECTIVES IN THE
COASTAL ZONE

The following is a series of questions and answers that appear to be the most asked by states concerned with NMFS involvement in CZM matters.

If additional information is needed, please feel free to contact me or other members of our Environmental Assessment Branch staff at (617) 281-3600 ext. 299.

- a. Description of current programs concerned with conservation of coastal resources, including their goals and accomplishments.

Pursuant to mandates implicit in the Fish and Wildlife Coordination Act, the NMFS attempts to review all projects which have the potential of impacting upon living aquatic resources. In fulfilling these mandates, we coordinate closely with personnel of the state's natural resource agencies and, especially, the department of fisheries. The types of projects included in this category are power plant construction and operation, dredging of federal navigation channels, construction of water pollution control facilities, and other coastal modifications subject to the federal permit system required by the River and Harbor Act of 1899. This permit system is administered by the Army Corps of Engineers. In effect, we have an interest in all projects which call for construction within navigable waters in Wisconsin as well as other states within our region.

Of the proposals we review annually, we find that many will result in harm either to living resources or the habitat upon which they depend. In such cases we work with state fisheries personnel, other interested federal agencies, and the applicants in an effort to promote alternatives or modifications which will eliminate or reduce the magnitude of impact. In some cases, we conclude that a particular project is not justified when compared with the anticipated loss of resources which would result. More often than not, project proposals call for destruction of public resources for the sake of private gain. We are clearly against such projects unless they are water-dependent and for which no feasible alternative exists.

Our goal, then, is to eliminate or at least significantly reduce the destruction of valuable coastal habitat. Our efforts in this regard culminate in reports to the Corps of Engineers (or other appropriate permitting or licensing agency) in which the project is reviewed, recommendations stated, and our justification outlined. In short, we desire to assist the state's resource agencies in containing the accelerating pressures to physically alter remaining coastal aquatic habitat.

Our accomplishments relative to the above are not easily delineated. Inasmuch as many agencies and voices contribute to a final decision on any particular activity, it is indeed difficult to pinpoint those aspects which relate to our specific input. However, we have maintained a consistent stance favoring the public interest in those cases where public resources would be impacted. In many cases our efforts as a specific resource agency have led to negotiated settlements which altered project plans that otherwise would have resulted in unnecessary destruction or alteration of aquatic resources. In essence, our primary aim is to promote appreciation of the natural aquatic environment by promoting its economic, social, and aesthetic values.

- b. Identification of abiding problems that have been encountered in achieving program goals.

The pressure to develop remaining coastal areas is ever present and accelerating. There are competing demands, continued pollution, and continued physical alteration that place a stress on aquatic habitats. Of significance in addressing the problem is the fact that the scientific community is not yet able to precisely delineate the cause-and-effect relationship between habitat alterations and aquatic productivity. Assuming the cause-and-effect relationship ultimately is delineated, we must determine the overall effect both in the near field and offshore. We are certain that if sufficient coastal resources and their physical habitat are destroyed, the productivity of nearshore and offshore waters will be lowered. Additionally, the many other favorable characteristics of the coastal systems, particularly marshes, will similarly suffer. In the absence of definitive data, we suggest the problem be addressed by favoring project approval only if the following criteria are met: (1) The project is water-dependent, (2) There is no feasible alternative to the project plan, (3) The project is in the public interest, as opposed to private gain only, and (4) The project will not significantly impact resources for which NMFS bears responsibility. While these suggested criteria may not answer all questions, nor provide for all situations, at least they represent a step in the right direction which dictates that only projects which must be implemented, will be implemented in or adjacent to coastal waters. Clearly, the ultimate protection available to Wisconsin's coastal waters is to declare a moratorium on all physical projects in such areas which would result in adverse impacts. Such an extreme measure, obviously, is unrealistic and undesirable. We do, however, suggest that the four simple, yet comprehensive, criteria listed above represent helpful tools by which your state's coastal areas can be protected without denying legitimate, necessary developments, whether by private, municipal, state, or federal interests.

c. National Interest

Exactly what constitutes the "National Interest" is subject to many interpretations and is in some ways a nebulous phrase. Relative to the mission of this agency, we view the National Interest as one of protecting living aquatic resources and their attendant habitat in coastal waters, marshes, and shoal areas. Wisconsin's coastal waters contribute to the food chains and fisheries of other waters much the same as the productivity of adjacent states enriches those of Wisconsin. Our concern is that the coastal ecosystem of Wisconsin and adjacent states be viewed and appreciated as a single entity--an integrated system where component parts of living and nonliving entities ensure the integrity of the whole system.

Further, we believe that permitted uses of the coastal zone should be designed so as to be compatible with, and potentially protective of, existing fishery resources and associated habitats such as wetlands, nursery and spawning grounds, commercial and recreational fishery grounds, etc. In this sense, the National Interest should be equivalent to Wisconsin's for the purpose of ensuring environmental integrity. The major impetus for pursuing this line of reasoning is the continuing and accelerating need to maintain aquatic productivity. Piece-meal destruction of our coastal resources eventually constitutes a cumulative and significant adverse impact. With appropriate provisions built into your state CZM program, the Section 10 and 404 permit program can be carefully and responsibly controlled.

d. Fishery Management Plans

A basic intent of the CZM Act is to encourage coordination of state/federal efforts in managing coastal resources. Aquatic life obviously knows no political boundaries, thus the success of Wisconsin's CZM program to protect, restore, or enhance living coastal resources is not only dependent upon the wise and orderly use of its coastal zone, but also upon the actions of neighboring coastal states. We believe that the CZM Act can be an extremely valuable tool for stimulating cooperation between states to improve the conservation and allocation of specific aquatic fisheries resources.

e. Federal Consistency

The Federal Consistency clause states that federal projects cannot be implemented unless they meet the requirements of the state's Coastal Zone Management Plan. In our view, however, Federal Consistency does not necessarily imply our sanction of all projects that have gained state approval, as we expect to retain our mandated review responsibilities under the Fish and Wildlife Coordination Act and other authorities. Hopefully, however, all CZM plans will be geared to coastal protection and will, for that reason, reflect our agency's mission. Since our mission is closely aligned to the concerns expressed in the CZM Act (Sections 302 and 303), there should be little conflict between our interest in the coastal zone and any approved CZM plan.

f. Goals and Objectives

Our goals are reflected in Section 303(a) of the Coastal Zone Management Act of 1972. For example, our goals include restoration and maintenance of fish stocks through promotion of fisheries management and habitat conservation; development and maintenance of commercial and recreational fisheries; improving the contribution of living aquatic resources to recreation and other social benefits; and increasing the supply of fisheries products to the consumer.

National Marine Fisheries Service responsibilities, in essence, are to protect certain aquatic animals and to assure that the fisheries resources and their habitats are preserved and enhanced. The NMFS operates under more than 50 specific authorities, a few of which impose upon NMFS a direct authority for management of resources of the coastal zone and for the overview and critique of proposed activities that would affect aquatic resources and their habitats. Of these authorities, the following seven deal most directly with NMFS's responsibilities in the coastal zone of the Great Lakes.

A. Fish and Wildlife Coordination Act of 1934, as amended 16 U.S.C. 661-666c

This is the basic legislation stating that fish and wildlife conservation shall receive equal consideration and be coordinated with other features of water resources development through consultation with the Fish and Wildlife Service, the NMFS (Reorganization Plan No. 4 of 1970), and state fish and game directors.

B. Fish and Wildlife Act of 1956, 16 U.S.C. 742a-742k

Established a comprehensive national policy on fish and wildlife resources; authorized programs and investigations that may be required for the development, advancement, management, conservation, and protection of the fisheries resources of the United States.

C. Commercial Fisheries Research and Development Act of 1964, 16 U.S.C. 779-779f

Authorizes the Secretary of the Interior (now Commerce) to cooperate with the states through respective state agencies which regulate commercial fisheries in carrying out projects designed for research on and development of the commercial fisheries resources of the nation. These studies, conducted through federal grants, often provide important data for analyzing the living marine resources aspects of environmental planning and coastal development projects.

D. Endangered Species Act of 1973, 16 U.S.C. 1531-1542

Provides for the conservation of endangered and threatened species of fish, wildlife, and plants. The program is to be administered jointly by the Secretaries of the Interior and Commerce. Among other things, the Act prohibits, except in certain instances, the import, export, taking, and interstate transportation for commercial purposes of any endangered species.

The Secretaries shall cooperate with the states to the maximum extent before acquiring any land or water, or interest therein, for the purpose of conserving any endangered or threatened species.

E. Anadromous Fish Conservation Act of 1965, 16 U.S.C. 757a-757f

Authorizes the Secretary of the Interior (and Commerce pursuant to Reorganization Plan No. 4) to enter into cooperative agreements with the states, jointly or severally, to conserve, develop, and enhance the anadromous fishery resources of the nation that are subject to depletion from water developments. Similar agreements are authorized to conserve, develop, and enhance Great Lakes fish that ascend streams to spawn.

F. Marine Mammal Protection Act of 1972, 16 U.S.C. 1361-1407

Establishes a moratorium on the taking of marine mammals and a ban on the importation of marine mammals and marine mammal products with certain exceptions.

The Act directs the Secretary of Commerce to cooperate with the states in the protection of marine mammals. The Department of Commerce has responsibility for whales, porpoises, seals, and sea lions.

G. Marine Migratory Sport Act of 1969, 16 U.S.C. 760a-760g

Directs the Secretary of Commerce to undertake a comprehensive continuing study of migratory marine fish of interest to recreational fishermen, including species which migrate through inshore waters. Included in such studies shall be research on migration, identity of stocks, growth rates, mortality, survival, environmental influences including pollution, to develop wise conservation policies and constructive management.

This opportunity to express our views to you is greatly appreciated. I trust that I will be able to meet with you in the near future, at your convenience, to further discuss the issues referred to and determine avenues by which the National Marine Fisheries Service could best assist your efforts, if you determine such assistance would be beneficial.

LOG

National Marine Fisheries

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|------------------------|---|----------------------|--|
| 1. October 15, 1975: | Wisconsin CZ program sent out contact letter and questionnaire. | 19. April 7, 1977: | Wisconsin sent WCMP Proposal Draft for Public Review, Appendices and Citizens Guide for comment by June 16. |
| 2. November 7, 1975: | Response received on Oct. Wisconsin CZ correspondence. | 20. May 11, 1977: | Wisconsin sent Coastal Survey and 2nd Quarterly Performance Report. |
| 3. January 23, 1976: | Wisconsin CZ program sent out 2nd official letter requesting agency role statement. | 21. June 9, 1977: | Wisconsin invites Federal Contacts to meeting June 30, 1977. |
| 4. February 12, 1976: | National Marine Fisheries response to our agency role statement letter. | 22. July 18, 1977: | Christopher Mantzaris sent comments on Program Proposal: 1) no mechanism for coordination of coastal projects among federal/state agencies, 2) lack of specificity; 4 pages of specific remarks follow. Also attached is a list of general concerns (NMFS) for the Coastal Zone. |
| 5. February 24, 1976: | Wisconsin Qt. Performance report sent. | | |
| 6. April 2, 1976: | 3rd Qt. Performance Report sent. | 23. July 28, 1977: | Wisconsin requested correction of federal contacts list. |
| 7. July 7, 1976: | Wisconsin sent full federal authorities listing. | 24. August 4, 1977: | No correction. |
| 8. July 19, 1976: | Wisconsin sent letter outlining our timetable for submission of 306 plan. | 25. August 10, 1977: | Wisconsin sent 3rd Quarterly Performance Report. |
| 9. August 2, 1976: | Wisconsin sent 4th Qt. Performance Report. | 26. August 26, 1977: | Wisconsin notified federal contact of program submission. |
| 10. August 23, 1976: | Wisconsin sent Council reports on B/A/U & Organ. Structure for review and comment. Policy questions sent. | | |
| 11. October 15, 1976: | Wisconsin sent 3rd Yr. Grant Application. | | |
| 12. October 19, 1976: | Wisconsin sent "expressed interest" document for comment by November 30. | | |
| 13. November 19, 1976: | Wisconsin sent "Framework Paper" and Pub. Part. Evaluation for their information. | | |
| 14. November 23, 1976: | Wisconsin sent "Working Paper I" for comment by December 15 and supplemental Grant Performance Report | | |
| 15. December 17, 1976: | Wisconsin sent "Working Paper 2" for comment by January 10. | | |
| 16. January 4, 1977: | Received from C. Mantzaris "The Marine Fisheries Program for the Nation". | | |
| 17. January 21, 1977: | Wisconsin sent Working Paper 3 and Working Paper 4 for review and comment by February 4, 1977. | | |
| 18. March, 1977: | Wisconsin sent 1st Quarterly Performance Report. | | |



UNITED STATES DEPARTMENT OF COMMERCE
Maritime Administration
Great Lakes Region
666 Euclid Avenue, Room 578
Cleveland, Ohio 44114

478

DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION

February 24, 1976

Mr. Allen H. Miller
Program Administrator
State of Wisconsin
Department of Administration
One West Wilson Street
Madison, Wisconsin 53702

CONTACT: Mr. George J. Ryan
Maritime Administration
666 Euclid Avenue - Room 600
Cleveland, Ohio 44114

Dear Mr. Miller:

The Maritime Administration has a number of programs which may be of interest to the State of Wisconsin in the continued development of its Coastal Zone Management Program.

Our overall program concerns itself with promoting U.S. flag shipping - in international trade as well as in domestic transportation -- and the port industry throughout the United States. In order to sustain a viable merchant marine, we have a number of programs which assist American ship owning corporations to purchase U.S. built ships and to operate them with U.S. citizen crews.

The Great Lakes Region Office has the responsibility of promoting U.S. flag shipping on the Great Lakes and to assist the Great Lakes port authorities in making their operation more economically competitive. Our function at the regional level will be to act as a liaison between port authorities, shippers, commercial carriers and other agencies with development and regulative functions.

A MarAd program that may have a more direct bearing upon the Coastal Zone Management Program is the support by MarAd of the extended shipping season in the upper four Great Lakes. MarAd is cooperating with other government agencies and U.S. flag ship operators to extend the length of interlake shipping season in the Great Lakes. Studies have been completed that prove a substantial projected increase in the economic impact of the extended season to the port community, the efficiency of the water carrier, and a favorable economic result for shippers and receivers. The program is supplemented by advanced engineering technology and a thorough study of ecological and sociological effects.

Adequate depth of waterways and channel maintenance to accommodate modern vessels active in interstate and international commerce is important to the maritime industry in providing safe navigable water routes.

NATIONAL INTEREST:
See attached letter

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Port Development and Promotion and Intermodal Planning (11.501)



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Page - 2 -

Maritime Administration

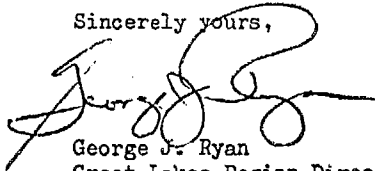
MarAd is presently contracting for a study of U.S. ports' economic impact on the local community and hinterland. The study to be completed for MarAd should supply a more standardized formula for computing economic impact than those formulas presently being used by individual port authorities.

A survey of port facilities in the Great Lakes is being updated. A study of intermodal cargo routes, rates, and trends is being reviewed. Port security and firefighting programs are under consideration on a liaison basis between governmental agencies and port cities.

MarAd, along with a number of interested groups, is supporting research and development of shipboard sanitation systems for the treatment of shipboard wastes such as sewage and oily water purification in an attempt to increase the valuable useable cargo capacity of ships.

From our viewpoint, the Coastal Zone Management Program should take into full consideration the development programs of the maritime industry as they relate to the economic benefit of the coastal communities.

Sincerely yours,


George J. Ryan
Great Lakes Region Director

1. October 15, 1975: Wisconsin CZ program sent out contact letter and questionnaire.
2. October 24, 1975: Maritime Administration sent response to our contact letter.
3. January 20, 1976: Wisconsin Qt. Performance Report sent.
4. January 23, 1976: Wisconsin CZ program sent out 2nd official letter requesting agency role statement.
5. January 29, 1976: Wisconsin CZ program sent out the following for review:
a) Rec. Econ. study
b) Ports Policy study
6. February 24, 1976: Response to our agency role statement letter.
7. April 2, 1976: Wisconsin sent 3rd Qt. Performance Report.
8. July 7, 1976: Wisconsin sent full listings of federal authorities for comments.
9. July 19, 1976: Wisconsin sent letter outlining timetable for submission of 306 plan.
10. August 2, 1976: Wisconsin sent 4th Qt. Performance Report.
11. August 4, 1976: Al Ames called and wanted to know why Minnesota was naming GAPC's in other states (i.e., Wisconsin). They are expressing a concern that energy related facilities in Duluth--Superior may be restricted by states. (216) 522-3623.
12. August 19, 1976: Al Ames wrote a letter re: BLRPC qt. report on review of PSC report.
13. August 25, 1976: Wisconsin sent letter answering Al Ames concerns of August 4 and August 19.
14. August 23, 1976: Wisconsin sent Council Reports on B/A/U and Organ. Structure for review and comment. Policy questions sent.
15. September 1, 1976: Maritime Admin. sent comments on Wisconsin Policy questions and council position paper.
16. October 15, 1976: Wisconsin sent 3rd yr. Grant Application.

17. October 27, 1976: Al Ames called to find out a bit more about the Milwaukee Sailing Club project.
18. October 29, 1976: Maritime Ad. wrote to advise us of some technical errors in our Lake Levels summary report.
19. October 19, 1976: Wisconsin sent "expressed interest" document for review by November 30.
20. November 19, 1976: Wisconsin sent "Framework Paper" for Pub. Part. Evaluation for their information.
21. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15 and Supple. Grant Performance Report.
22. November 26, 1976: Maritime Ad. sent comments on "Wisconsin Framework Document" (concerned about port facilities and commercial vessels).
23. November 26, 1976: Maritime Ad. comments on "Evaluation of Public Participation in the Wisconsin CMP 1974 to May 1976. Wish future surveys to include questions on port facilities, ship yards. Requested copy of "Ports Policy Study".
24. November 29, 1976: Copy of Ports Study sent to Ryan with cover letter thanking him for comments on "Evaluation of Public Participation . . .".
25. December 1, 1976: Maritime Ad. sent comments on Working Paper I and annual report. (concerned about having Council Member for ports; waterfront restoration; power plants).
26. December 17, 1976: Wisconsin sent Working Paper II for comment by Jan. 10.
27. December 23, 1976: Maritime Ad. responded to Working Paper II: 'generally acceptable', with concern for waterbased industry.
28. January 21, 1977: Wisconsin sent Working Papers III & IV for review and comment by February 4, 1976.
29. January 29, 1977: Letter from George Ryan concerning Working Paper 3 and 4. Wants copy of Wisconsin Declaration of Navigability (Ch. 30.10 (3)) states program funding is in acceptable form.
30. March, 1977: Wisconsin sent 1st Quarterly Performance Report.
31. April 7, 1977: Wisconsin sent WCOMP Proposal-Draft for Public Review, Appendices and Citizens Guide for comment by June 16, 1977.
32. May 10, 1977: Letter from George Ryan concerning Program Proposal. Stated that Program is heavily weighed by public recreational needs - Direct reference to P. 11 Proposal concerning Maritime Adm. law priority to promotion of Great Lakes Ports. Need better two-way communication according to Ryan.
33. May 11, 1977: Wisconsin sent Coastal Survey and 2nd Quarterly Performance Report.
34. May 31, 1977: Al Miller replied to George Ryan's letter of May 10, 1977.
35. June 3, 1977: Ryan will send copy of Quarterly Pollution Abatement Report as requested.
36. June 9, 1977: Wisconsin invites Federal Contacts to meeting June 30, 1977.
37. June 10, 1977: George Ryan replied to Al Miller's letter of May 31, explained role of Mar Ad on the Great Lakes.
38. June 16, 1977: Miller replied to Ryan's June 10 letter with suggested change to meet Mar Ad's objections.
39. July 28, 1977: Wisconsin requested corrections to Federal Contacts list.
40. August 4, 1977: Correction of room number to 576.
41. August 10, 1977: Wisconsin sent 3rd Quarterly Report.
42. August 26, 1977: Wisconsin notified federal contact of program submission.

DEPARTMENT OF DEFENSE
UNITED STATES AIR FORCE

DEPARTMENT OF THE AIR FORCE
REGIONAL CIVIL ENGINEER - CENTRAL REGION (HQ USAF)
MAIN TOWER BUILDING
1200 MAIN STREET
DALLAS, TEXAS 75202



14 NOV 1975

CONTACT:

Mr. Thurman Thomes
Dept. of the Air Force - Central Region
Main Tower Building
1200 Main Street
Dallas, Texas 75202

Mr. Roger D. Umland
440 CSG/DE
General Mitchell Field
Milwaukee, Wisconsin

NATIONAL INTEREST:

See attached letter

FEDERAL CONSISTENCY:

All direct development programs

Dr. Stephen M. Born
Director, State Planning Office
B-130, One West Wilson Street
Madison, WI 53702

Dear Dr. Born:

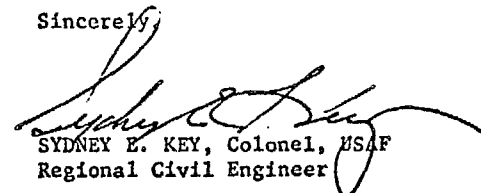
Reference is made to the Coastal Zone Management Act of 1972 that establishes a national policy to preserve, protect, develop and, where possible, to restore and enhance the resources of the coastal zone.

Our office, identified as the Air Force Regional Civil Engineer-Central Region, is a field extension of the Directorate of Engineering and Services, Headquarters, U. S. Air Force. We have been tasked with the responsibility to act as the overall Air Force Coastal Zone Management (CZM) coordinator for all Air Force installations within your state coastal zone planning boundaries. In this capacity we serve as the Air Force Federal Regional and State point of contact for development and formal coordination and comment on the draft and final state coastal zone management plans. We stand ready to work in close cooperation and coordination with you and your staff in the development of a viable CZM plan.

Request we be provided notice of future meeting(s) with other state and/or federal agencies so that we may participate and assist as necessary.

Please feel free to contact us for data on specific Air Force installations within your coastal zone boundaries. The CZM coordinator in my office is Mr. Thurman M. Thomes, telephone no: 214-749-3018.

Sincerely,


SYDNEY E. KEY, Colonel, USAF
Regional Civil Engineer

United States Air Force

1. October 15, 1975: Wisconsin CZ Program sent out contact letter with questionnaire.
2. November 14, 1975: Response received on Oct. 15th - Wis. CZ correspondence.
3. January 5, 1976: CZ Monitor & Gazette sent.
4. January 20, 1976: Wisconsin Qt. Performance Report sent.
5. January 23, 1976: Wisconsin CZ - 2nd official letter sent requesting Agency role statement.
6. February 25, 1976: Thurman Thomes called to confirm our relationship with CZ Program Administration.
7. February 20, 1976: Air Force returned letter outlining Agency role statement.
8. August 2, 1976: Wisconsin sent 4th Qt. Performance Report.
9. August 23, 1976: Wisconsin sent Council Reports on Organ. Structure, B/A/U's and Policy Questions for review and comment.
10. October 15, 1976: Wisconsin sent 3rd yr. Grant Application.
11. October 19, 1976: Wisconsin sent "expressed interest" document for review for comment by November 30.
12. November 19, 1976: Wisconsin sent "Framework Paper" and Public Participation Evaluation for their information.
13. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15th and Supplemental Grant Performance report.
14. December 3, 1976: Thurmond Thomes called, will send comments on Framework to D. Owens - may come here.
15. December 10, 1976: USAF responded to Working Paper I and performance report (11/23). No comment. Attached USAF policy paper in CZM.
16. December 17, 1976: Wisconsin sent Working Paper II for comment by Jan. 10.
17. December 31, 1976: USAF sent letter on procedure for their reviews (from Col. Key)
18. January 4, 1977: USAF sent letter of no comment on Working Paper II.
19. January 21, 1977: Wisconsin sent Working Papers III & IV for review and comment by February 4, 1977.
20. February 4, 1977: Letter received on Working Papers 3 and 4 offering no comments.
21. March, 1977: Wisconsin sent "First Quarterly Report".
22. April 7, 1977: Wisconsin sent "WCMP Proposal Draft for Public Review" Appendices and Citizens Guide for comment by June 16.
23. April 15, 1977: Thurman Thomes called to request that he receive only one copy of quarterly reports, etc.
24. May 11, 1977: Wisconsin sent "Coastal Survey" and Second Quarterly Report.
25. June 9, 1977: Wisconsin invites Federal Contacts to meeting June 30, 1977.
26. June 30, 1977: Thurman Thomes attended Wisconsin's Federal Contact meeting.
27. July 28, 1977: Wisconsin requested corrections/changes in Federal Contacts list.
28. August 8, 1977: No correction necessary.
29. August 10, 1977: Wisconsin sent Quarterly Performance Report.
30. August 26, 1977: Wisconsin notified federal contact of program submission.

DEPARTMENT OF DEFENSE

UNITED STATES ARMY

L O G

United States Army

- CONTACT: Mr. Paul Chabak
Office of Facilities Engineer
Fort McCoy
Sparta, Wisconsin 54656
- Corps of Engineers:
Mr. Louis Kowalski
U.S. Army, Corps of Engineers
1135 U.S. Post Office & Custom House
St. Paul, Minnesota 55101
- NATIONAL INTEREST:
See attached letter
- FEDERAL CONSISTENCY:
- a. All direct development programs
 - b. Corps beach erosion control projects (12.101)
Corps flood control works and Federally-authorized coastal
protection works, rehab. (12.102)
Corps flood fighting and rescue operations and emergency protection
of coastal protective works of Federally Authorized projects (12.103)
Corps protection of essential highways, highway bridge approaches
and public works (12.105)
Corps flood control projects (12.106)
Corps navigation projects (12.107)
Corps snagging and clearing for flood control (12.108)
Corps snagging and clearing for navigation. Technical assistance
funds under water Resources Development Act of 1974 (12.109)
Corps aquatic plant control (12.100)
Corps flood plain management service (12.104)
1. March 31, 1976: Wisconsin CZ sent background information to Fort McCoy on National and State CZ Program.
 2. April 21, 1976: US Army sent Wisconsin an up-date list of regional contacts/state contacts.
 3. April 2, 1976: 3rd Qt. Reports sent.
 4. November 23, 1976: Supplemental Grant Performance Report and Third Year Grant Application.



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
1135 U. S. POST OFFICE & CUSTOM HOUSE
ST. PAUL, MINNESOTA 55101

IN REPLY REFER TO
NCSED-PB

14 November 1975

Mr. Allen H. Miller
Administrator
Wisconsin Coastal Zone Management
Development Program
1 West Wilson Street
Madison, Wisconsin 53702

Dear Mr. Miller:

Inclosed in response to your letter of 10 October 1975 is the completed response form you requested from Brigadier General Robert L. Moore, Division Engineer, North Central Division.

We agree with your plans to work closely with agencies which have an interest in the Wisconsin coastal areas and to the utilization of the Great Lakes Basin Commission Standing Committee on Coastal Zone Management as a primary forum for communication and participation. Instituting a procedure similar to those in existence for review and comment on appropriate documents also appears to be an excellent mechanism to follow.

Mr. Kowalski will provide the coordination for both the Chicago and St. Paul Districts and can be reached at telephone 612-725-5901.

Sincerely yours,


J. R. GALTON
Chief, Planning Branch
Engineering Division

1 Incl
As stated



L O G

Corps of Engineers

1. September 17, 1975: Letter from Max Noah (C.O.E.) to Steve Born identifying the Shore Erosion Control Demonstration Act.
2. October 10, 1975: Letter from C.O.E. to Steve Born making specific request for Shore Erosion Demonstration Program cooperation.
3. October 21, 1975: Wisconsin C.Z. Program sent C.O.E. a letter (both Chicago & St. Paul districts) on our input to the Demonstration Program.
4. December 3, 1975: Wisconsin CZ Program transmitted to Louis Kowalski (via Chicago office) Wis. SEWRPC Shoreline Erosion Control Demonstration Program sites,
5. October 15, 1975: Wisconsin CZ Program sent out contact letter with questionnaire.
6. October 17, 1975: Letter of notification from C.O.E. - North Central Division concerning a forthcoming response to contact letter.
7. November 14, 1975: Response received on Oct. 15th - Wisconsin CZ correspondence.
8. January 20, 1976: Wisconsin Quarterly Performance Report sent.
9. January 23, 1976: Wisconsin CZ - 2nd official letter sent requesting agency role statement.
10. January 26, 1976: Wisconsin CZ called to confirm Kowalski as our contact representing L. Michigan & L. Superior. Kowalski requested copy of Boater Survey. Will send ASAP.
11. January 28, 1976: Al Miller met with C.O.E. (Kowalski) in Minneapolis/St. Paul. Expressed interest in getting some shore erosion studies and Recreation Impact Studies.
12. January 29, 1976: Wisconsin sent Kowalski (as per request and as per our schedule to send them to him) the following:
 - a. Coastal Imagery Index
 - b. Econ. Impact Study
13. February 3, 1976: Wisconsin CZ sent "Boater" Survey.
14. February 19, 1976: (Larry Hiipakka) Called to Chicago to check on funding from Shore Erosion Demonstration Projects.

15. March 2, 1976: Kowalski called to tell us COE comments on January 22nd letter would be coming next week.
16. March 23, 1976: Kowalski called re: 1/22/76 letter and assured a response was shortly forthcoming.
17. April 14, 1976: Called Kowalski to ask status of Shore Erosion Demonstration Projects. Called Hiipakka in Chicago re: Status of Demonstration Projects (312) 353-6347. They will tour Wisconsin sites in May.
18. April 7, 1976: Received COE response to request which were minutes of a Shore Erosion Advisory Panel in Louisiana.
19. April 7, 1976: Received COE response to January 22 letter from Wisconsin CZ.
20. July 19, 1976: Wisconsin sent letter indicating our timetable for 306 Plan Submittal.
21. April 2, 1976: 3rd Qt. Performance Report sent.
22. July 7, 1976: Wisconsin sent full list of federal authorities for comment.
23. August 2, 1976: Wisconsin sent 4th Qt. Performance report.
24. August 18, 1976: Kowalski called about his delay on Fed. authorities.
25. August 23, 1976: Wisconsin sent Council Reports on: B/A/U and Organ. Structure, Policy Questionnaire for review and comment.
26. August 20, 1976: C.O.E. sent response to Federal Authorities listing.
27. September 15, 1976: Wisconsin received response to Council Report & questionnaire - NO COMMENT.
28. September 27, 1976: Mr. Pucchini called to ask why we have not been responding to COE projects. We'll now be sending a "no comment" form letter to respond to projects in progress or proposed.
29. October 15, 1976: Wisconsin sent 3rd Year Grant Application.
30. October 19, 1976: Wisconsin sent "expressed interest" document for review and comment by November 30.
31. November 19, 1976: Wisconsin sent "Framework Paper" and Pub. Participation evaluation for their information.
32. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15th. Supplemental Grant Period Performance report.
33. December 17, 1976: Wisconsin sent "Working Paper II" for comment by January 19, 1977.
34. January 21, 1977: Wisconsin sent "Working Papers III & IV" for review and comment by February 4, 1977.
35. March, 1977: Wisconsin sent First Quarterly Performance Report.
36. April 7, 1977: Wisconsin sent WCMP Proposal-Draft for Public Review, Appendices and Citizens Guide for comment by June 16, 1977.
37. May 3, 1977: Received answer from Robert Post, St. Paul District, concerning Lake Superior Harbors recreation studies. Noted these studies are oriented toward potential recreation development and not future location of harbor sites.
38. May 9, 1977: Received Minutes of Shoreline Erosion Advisory Panel held March 14-15, 1977.
39. May 11, 1977: Wisconsin sent Second Quarterly Performance Report.
40. June 9, 1977: Wisconsin invited (by letter) all Federal Contacts to meeting June 30.
41. June 14, 1977: Wisconsin sent copies of Draft Program Proposal as requested to Richard Carlson and Louis D'Aba, Chicago COE.
42. June 20, 1977: Wisconsin requested Kowalski to confirm name of Federal Contact.
43. June 23, 1977: J. R. Calton replied to Wisconsin letter of June 20. Kowalski is official contact. Send 4 copies for review.
44. June 30, 1977: Louis Kowalski attended Wisconsin's Federal Contacts meeting.
45. July 7, 1977: Wisconsin contacted Kowalski to see if comments on the program proposal.
46. July 11, 1977: Colonel Forrest T. Gay III, District Engineer, sent two pages of specific comments on the program proposal; Gay looks forward to August or September meeting similar to June 30th meeting.

- 47. July 18, 1977: Received notice of Public Discussion on recommended recreational boat harbor improvements at Racine, Wisconsin, August 3, 1977.
- 48. August 5, 1977: COE confirms Kowalski as contact; plus additional comments on Federal Consistency in Program Proposal.
- 49. August 8, 1977: Received final environmental impact statement, Duluth-Superior Harbor Operation and Maintenance, Diked Dredge Disposal Facility and statement of findings.
- 50. August 10, 1977: Wisconsin sent Quarterly Performance Report.
- 51. August 26, 1977: Wisconsin notified federal contact of program submission.



COMMANDANT NINTH NAVAL DISTRICT
AND
COMMANDER NAVAL BASE
GREAT LAKES, ILLINOIS 60088

25 MAR 1976

DEPARTMENT OF DEFENSE
UNITED STATES NAVY

CONTACT:

Mr. Thomas Markwiese
U.S. Navy - Great Lakes Branch
Northern Division
Naval Facilities Engineering Command
Great Lakes, Illinois 60088

NATIONAL INTEREST:

See attached letter

FEDERAL CONSISTENCY:

All direct development programs

Mr. Al Miller, Administrator
State Planning Office
Coastal Zone Management Development Program
B 130 State Office Building
1 W. Wilson
Madison, Wisconsin 53702

Dear Mr. Miller:


While the Navy's impact may be small compared to other organizations involved in Coastal Zone Management (CZM), our shared interest is in achieving a good Coastal Zone Plan which will benefit all concerned.

The aspect of national interest and the exclusion of lands held or used by the federal government has proved to be a problem in some of the states participating in CZM. Recently, we received California's statement on this matter, which is enclosed. That statement was adopted intact by the State of North Carolina and is under consideration by other states. This statement reflects extensive discussion with federal agencies, particularly the Navy. The interpretation of the excluded military land and water areas was satisfactory to all. It is thought that this interpretation eliminated many potential administrative problems for both the military and local regulatory agencies. Enclosed is a copy modified for Wisconsin's use, in the event that you would like to adopt this statement in the State's plan.

Despite this exclusion, the goals of the Coastal Zone Plan can be achieved since the Navy is required by PL 92-583 to conduct our activities consistent with the State's Coastal Zone Plan, to the maximum extent practicable. To help facilitate this procedure, we would agree to submit base-wide master plans for review and recommendations by the responsible Coastal Zone Management Office.

I hope that the enclosures will be of assistance to you. If we can be of any further assistance, please call Mr. Tom Markwiese at (312)688-6995.

Sincerely,


R. A. FALK, JR.
Captain, CEC, U. S. Navy
Deputy District Civil Engineer
By direction of the Commandant

L O G

United States Navy

1. October 15, 1975: Wisconsin CZ Program sent out contact letter and questionnaire.
2. October 20, 1975: Response received on Wisconsin CZ October 15th correspondence.
3. January 5, 1976: Wisconsin Coastal Zone Monitor and Gazette sent.
4. January 16, 1976: Tom Markwiese called for information on our program. Wisconsin 2nd Quarter Year Performance report sent out. Markwiese expressed concern that we not get as hung up about a definition of "Federal Holding" as the State of Washington. Their idea is that they are a federal holding "with concurrent use with local municipalities. I told him we would be sure and call when we are defining this.
5. January 23, 1976: Wisconsin CZ Program sent out 2nd official letter requesting agency role statement.
6. January 29, 1976: Wisconsin CZ Program sent copy of:
 - a. Recreation Econ. Impact Study
 - b. Ports Policy Study
7. February 3, 1976: Wisconsin CZ sent "Boater" Survey.
8. February 13, 1976: (Al, Mc, Markweise) Tom Markweise came to Madison. He delivered the Navy's role statement and detailed the Navy's activity on Lake Michigan. He raised the issue of "excluded federal lands". We should now be sending shore erosion and IJC Analysis work to Markweise.
9. February 26, 1976: Wisconsin CZ sent Coastal Imagery Index to Markweise.
10. March 23, 1976: Navy sent Wisconsin letter proposing a statement to be used in a Wisconsin plan on federally excluded lands.
11. June 23, 1976: Markweise called to check on the status of our boundary definition process and we will send a copy of the subcom. report for 6/29/76.
12. July 1, 1976: (Navy expressed concern of having to deal with local municipalities after a boundary might be drawn) Wisconsin called to mention that no boundary process had been recommended yet.
13. July 19, 1976: Markwiese called about federal authorities listing. And expressed concern over "bombing range" terminology.
14. April 2, 1976: 3rd Qt. Performance Report sent.
15. July 7, 1976: Wisconsin sent full listing of federal authorities for comments.
16. July 19, 1976: Wisconsin sent timetable for submission of 306 plan.
17. August 2, 1976: Wisconsin sent 4th qt. Performance report.
18. August 23, 1976: Wisconsin sent Council reports on B/A/U and Organ. Structure for review and comment. Policy questions sent.
19. September 22, 1976: Navy responded to Council Position paper.
20. October 15, 1976: Wisconsin sent 3rd Yr. Grant Application.
21. November 16, 1976: Markweise called to confirm some completion dates on our CMF plan.
22. October 19, 1976: Wisconsin sent "expressed interest" document for comment by November 30.
23. November 19, 1976: Wisconsin sent "Framework Paper" and Public Participation evaluation for their information.
24. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15 and supplemental grant performance report.
25. December 17, 1976: Wisconsin sent "Working Paper II" for comment by January 10, 1977.
26. January 21, 1977: Wisconsin sent "Working Paper III & IV" for review and comment by February 4, 1977.
27. February 7, 1977: Received letter from Commandant Ninth Naval District commenting on "Working Papers III & IV". Comments on Section IV.
28. March, 1977: Wisconsin sent 1st Quarterly Report.

29. April 7, 1977: Wisconsin sent WCMP Proposal-Draft for Public Review, Appendices and Citizens Guide for comment by June 16.
30. May 11, 1977: Wisconsin sent Coastal Survey and 2nd Quarterly Performance Report.
31. May 20, 1977: Letter from W. J. Burns, Commandant Ninth Naval District concerning Draft Proposal, Page 92, Section III B.2(2). Questions if this means Navy must conform not only to state management plans, but also regional and local plans. Feels this would cause great hampering of Navy activities.
32. May 31, 1977: Wisconsin replied to May 20 letter from W. J. Burns by detailing consistency procedures.
33. June 9, 1977: Wisconsin invites Federal Contacts to meeting, June 30, 1977.
34. June 30, 1977: Thomas Markwiese and CDR Richard Engle attended Wisconsin's Federal Contact meeting.
35. July 28, 1977: Wisconsin requested corrections to Federal Contacts list.
36. August 4, 1977: Markwiese replied - no corrections.
37. August 10, 1977: Wisconsin sent Third Quarterly Performance Report.
38. August 26, 1977: Wisconsin notified federal contact of program submission.



DEPARTMENT OF HEALTH, EDUCATION & WELFARE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

REGION V
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606

OFFICE OF
THE REGIONAL DIRECTOR

February 17, 1976

CONTACT:

Dr. Hiroshi Kanno
H.E.W., 35th Floor
300 S. Wacker Drive
Chicago, Illinois 60606

Mr. Allen H. Miller
Administrator
Wisconsin Coastal Zone Management
Development Program
Room B-130, 1 West Wilson
Madison, Wisconsin 53702

Dear Mr. Miller:

Your Letter of February 10, 1976 and the material on the Wisconsin Coastal Management Program have been received and reviewed by members of my staff.

NATIONAL INTEREST:

See attached letter

Examination of the section headings of your report indicates that the involvement of our Department of Health, Education and Welfare would be minimal, at best. However, we would be involved if you were concerned with health problems at some future time.

I am designating Dr. Hiroshi Kanno, our State Liaison for Wisconsin, to represent our agency with the understanding that we will serve on an ad hoc basis at such times as you are dealing with health or related matters that are a responsibility of our Department.

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Health Services Development Grants (13.224)
Community Mental Health Centers - Staffing and Construction (13.240)
School Assistance in Federally Affected Areas - Construction (13.477)

Sincerely,

Richard E. Friedman
Regional Director

L O G

Department of Health, Education and Welfare

- | | |
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| <p>1. February 10, 1976: Wisconsin CZ sent out contact letter; requested role statement and second Quarterly Report.</p> <p>2. February 23, 1976: Wisconsin CZ received response on contact letter and also very briefly outlined their interests.</p> <p>3. April 2, 1976: 3rd Qt. Performance Report sent.</p> <p>4. July 19, 1976: Wisconsin sent letter indicating our timetable for 306 program submittal.</p> <p>5. July 7, 1976: Wisconsin sent full list of federal authorities for comment.</p> <p>6. July 14, 1976: HEW sent response to federal authorities letter.</p> <p>7. August 2, 1976: Wisconsin sent 4th Qt. Performance Report.</p> <p>8. August 23, 1976: Wisconsin sent Council reports on B/A/U and Organ. Structures for review and comment. Policy questions sent.</p> <p>9. September 13, 1976: Wisconsin received response to Council position paper and questionnaire.</p> <p>10. October 15, 1976: Wisconsin sent 3rd Year Grant Application.</p> <p>11. October 19, 1976: Wisconsin sent "expressed interest" document for comment by November 30.</p> <p>12. November 19, 1976: Wisconsin sent "Framework Paper" and Public Participation Evaluation for their information.</p> <p>13. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15th and supple. Grant Performance Report.</p> <p>14. December 17, 1976: Wisconsin sent "Working Paper II" for comment by Jan. 10.</p> <p>15. January 21, 1977: Wisconsin sent "Working Paper III & Working Paper IV" for comment by February 4, 1977.</p> <p>16. March, 1977: Wisconsin sent 1st Quarterly Performance Report.</p> <p>17. April 7, 1977: Wisconsin sent WCOMP Proposal-Draft for Public Review, Appendices and Citizens Guide for comment by June 16.</p> | <p>18. May 11, 1977 Wisconsin sent Coastal Survey and 2nd Quarterly Report.</p> <p>19. June 9, 1977 Wisconsin invites Federal Contacts to meeting June 30, 1977.</p> <p>20. July 28, 1977: Wisconsin requested corrections to federal contacts list.</p> <p>21. August 10, 1977: Wisconsin sent Third Quarterly Performance Report.</p> <p>22. August 26, 1977: Wisconsin notified federal contact of program submission.</p> |
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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

L O G

Department of Housing and Urban Development

CONTACT: Mr. Roger McMurray
HUD, Community Planning
300 S. Wacker Drive
Chicago, Illinois 60606

NATIONAL INTEREST:

No statement of national interest was received.

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Comprehensive Planning Assistance, "701" (14.203)
Disaster Assistance (14.701)
State Disaster Plans and Programs (14.702)
Community Development Block Grants - Entitlement Grants (14.218)
Community Development Block Grants - Discretionary Grants (14.219)

1. October 15, 1975: Wisconsin CZ sent out contact letter & questionnaire.
2. December 15, 1976: Wisconsin CZ called to find out why no HUD response.
3. December 18, 1975: Wisconsin CZ called again and after much effort got the designated contact's name and we requested a letter.
4. December 29, 1975: Wisconsin CZ called several times during this week for a letter confirming contact.
5. December 31, 1975: HUD sent letter confirming our official contact.
6. January 6, 1976: Wisconsin CZ sent Council Mail package.
7. February 24, 1976: Wisconsin Qt. Report sent on CZ.
8. January 23, 1976: Wisconsin CZ - 2nd official contact letter sent requesting agency role statement.
9. February 3, 1976: Wisconsin CZ sent Boater Survey.
10. March 3, 1976: Wisconsin CZ met with Garry Nielsen ("701"), Emil Brandt, ("208"), DNR (John Cain) on coordination efforts between the three programs.
11. February 11, 1976: HUD response to agency role statement.
12. February 25, 1976: HUD regional called to inform Wisconsin of a "701" conference in Madison on March 4th.
13. April 2, 1976: Wisconsin sent 3rd Qt. Performance Report.
14. July 19, 1976: Wisconsin sent letter indicating our timetable for 306 Program submittal.
15. July 7, 1976: Wisconsin sent list of federal authorities for comments.
16. August 2, 1976: Wisconsin sent 4th Qt. Performance Report.
17. August 23, 1976: Wisconsin sent Council Reports on B/A/U and Organ. Structure for review and comment. Policy questions also sent.
18. September 29, 1976: Ray Willis called to identify himself as new CZM contact. Wisconsin will send recent position paper and 3rd year grant.

19. October 15, 1976: Wisconsin sent 3rd Yr. Grant Application.
20. October 28, 1976: Ray Willis called to see if I (or who) was coming to Chicago to OCZM, November 9th meeting. (returned this call, November 5, 1976).
21. October 19, 1976: Wisconsin sent "expressed interest" document for comment by November 30, 1976.
22. November 19, 1976: Wisconsin sent "Framework Paper" and Public Participation Evaluation for their information.
23. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15th and supplemental Grant Performance Report.
24. December 17, 1976: Wisconsin sent "Working Paper II" for comment by January 10, 1977.
25. January 21, 1977: Wisconsin sent "Working Paper III & IV" for review and comment by February 4, 1977.
26. March, 1977: Wisconsin sent 1st Quarterly Performance Report.
27. April 7, 1977: Wisconsin sent WCMP Proposal-Draft for Public Review, Appendices and Citizens Guide for comment by June 16.
28. May 11, 1977: Wisconsin sent Coastal Survey and 2nd Quarterly Performance Report.
29. June 9, 1977: Wisconsin invited federal contacts to meeting June 30.
30. June 20, 1977: Ray Willis will attend the June 30 meeting (he called).
31. June 30, 1977: Ray Willis and Roger L. McMurray attended Wisconsin's Federal Contacts meeting.
32. July 28, 1977: Wisconsin requested corrections of Federal Contacts list.
33. August 5, 1977: No correction to list.
34. August 10, 1977: Wisconsin sent Third Quarterly Performance Report.
35. August 26, 1977: Wisconsin notified federal contact of program submission.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

September 26, 1975

DEPARTMENT OF INTERIOR

CONTACT:

Ms. Heather Ross
230 S. Dearborn Street
Room 3249
Chicago, Illinois 60604

NATIONAL INTEREST:

See attached letter

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Water Resources Research Assistance to State Institutes
(OWRR) (15.951)
Water Resources Research - Matching Grants to State Institutions
(OWRR) (15.952)

Dr. Stephen M. Born
Director, State Planning Office
B-130, One West Wilson Street
Madison, Wisconsin 53702

Dear Dr. Born:

Enclosed for your information is a copy of the Department of the Interior's guidelines and procedures to be used by our field offices and the Secretary's Special Assistant (Field) to assist States in the development of their coastal zone management programs.

The Department through its various programs is actively involved in the coastal areas of the United States. It is the policy of the Department to encourage the cooperation and participation of its bureaus and offices in the development and implementation of State coastal zone management programs. The Secretary's Special Assistant will be working closely with you as the Departmental representative on coastal zone management program matters. Ms. Madonna McGrath may be reached at the following address:

Secretary's Special Assistant, North Central Region
U.S. Department of the Interior
536 South Clark Street
Chicago, Illinois 60605
Phone: (312) 353-8015

The Coastal Zone Management Act of 1972 calls for the development of management program by each State which provides for adequate consideration of the "... national interest involved in the siting of facilities necessary to meet the requirements which are other than local in nature." The Department recognizes that it has a responsibility to fully communicate the nature of its authority and responsibilities including the national interest in the siting of facilities to the States early in the development of the management programs. By the very nature and extent of the Department's activities in the coastal areas of




Save Energy and You Serve America!

Department of Interior

the United States, the development of a "national interest" position of the Department is a complex process. We are working toward that position and will in the near future define and provide you with the Department's national interest position in the coastal zone.

I wish you success as you work toward the development of your coastal zone management program.

Sincerely yours,


Lance Marston, Director
Office of Land Use and Water Planning

Enclosure

1. September 26, 1975: Wisconsin CZ received letter from Department of Interior outlining Department's guidelines and procedures for assisting control zone programs.
2. October 10, 1975: Wisconsin CZ sent out official contact letter and questionnaire.
3. October 31, 1975: Department of Interior sent back response listing contacts from all divisions of Dept. of Interior. (In addition, an agency role statement was sent identifying agency regulations and authorities).
4. January 20, 1976: Wisconsin CZ sent out 2nd Yr. - 2nd Qt. Performance report.
5. January 23, 1976: Wisconsin CZ sent out 2nd official contact list letter requesting specific agency information, (more specific than original agency role statement).
6. February 26, 1976: Wisconsin CZ called Madonna McGrath and she requested 10 copies of anything program related.
7. July 19, 1976: Wisconsin talked with Mr. Hofstra who indicated that the response on Federal Authorities might be a bit late.
8. April 2, 1976: Wisconsin sent Qt. Performance Report (3rd)
9. July 19, 1976: Wisconsin sent letter indicating our timetable on "306" plan submittal.
10. July 7, 1976: Wisconsin sent list of federal authorities for comments.
11. August 2, 1976: Wisconsin sent 4th Qt. Performance Report.
12. August 23, 1976: Wisconsin sent Council reports on B/A/U and organ. structure for review and comment. Policy questions sent.
13. September 7, 1976: Wisconsin received response to federal authorities listing.
14. October 15, 1976: Wisconsin sent 3rd Yr. Grant Application.

15. October 19, 1976: Wisconsin sent "expressed interest" document for review and comment by November 30.
16. November 19, 1976: Wisconsin sent "Framework Paper" and Public Participation Evaluation for their information.
17. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15 and supplemental Grant Performance report.
18. December 17, 1976: Wisconsin sent "Working Paper II" for comment by January 10, 1977.
19. January 21, 1977: Wisconsin sent "Working Paper III & IV" for comment by February 4, 1977.
20. June 23, 1977: Nancy Zweng called to request copies of a number of letters referenced in Appendix I of the Program Proposal plus "Fish & Wildlife Habitat" and "Natural Area Inventory".
21. July 28, 1977: Wisconsin asked for federal contact corrections - now sending to BOR, BIA, FWS, USGS, BLM, NPS, USBM. Can list be reduced?
22. August 10, 1977: Wisconsin sent Third Quarterly Performance Report.
23. August 24, 1977: Received reply to corrections letter. DOI requests a continuation of present policy of sending materials to individual bureaus. New contact at DOI is:
 Ms. Heather Ross
 Office of Policy Analysis
 Ms. Cynthia Wilson will act as 1/2 time field representative. Working contacts should be Wilson or Paul Stang, Assistant to Ross.
24. August 26, 1977 Wisconsin notified federal contact of program submission.
25. September 2, 1977 Wisconsin asks Stang to further evaluate the practice of having this state send materials to D.O.I. Bureaus.

DEPARTMENT OF INTERIOR
BUREAU OF INDIAN AFFAIRS

CONTACT: Mr. H. B. Simpson, Jr
Bureau of Indian Affairs
831 Second Avenue
Minneapolis, Minnesota 55402

NATIONAL INTEREST:

No statement of national interest was received.

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Indian Forest Management (15.112)
Indian Lands - Range Management (15.119)
Indian Lands - Minerals and Mining (15.138)

DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Lake States Office
125 Federal Building
Duluth, Minnesota 55802

IN REPLY REFER TO

6780

498

April 2, 1976

CONTACT:

Mr. Jerome Heinz
BLM, Lakes States Office
125 Federal Building
515 W. 1st Street
Duluth, Minnesota 55802

Mr. Allen H. Miller
State Planning Office
Department of Administration
B-130, 1 West Wilson Street
Madison, Wisconsin 53702

Dear Mr. Miller:

NATIONAL INTEREST:

See attached letter

Enclosed are two (2) copies of BLM's inputs into Wisconsin's Coastal Zone Management Program. These were prepared in our Lake States Office located in Duluth. The following remarks are an attempt to relate certain information about this submission.

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Sale of Mineral Material (15.215)

<u>page</u>	<u>remarks</u>
2-5	This material covers the Departmental position regarding DOI's "interest." It was prepared in Washington through a coordinated Departmental effort of all Interior agencies. Our office simply rearranged and retyped it onto a different format.
6-15	This section was prepared as above. The Lake States Office extracted those portions applicable only to BLM. This section is abridged and covers BLM programs nationally.
18-21	This covers BLM Eastern States programs which relate more specifically to the Great Lakes Coastal Zone States of Minnesota, Wisconsin and Michigan. We intend to use the foregoing (pp. 2-21) in our submission to Michigan.
22+24	This is a base map, showing characteristics which tend to be permanent. You will note that boundary used follows county boundaries.

L O G

<u>page</u>	<u>remarks</u>
26+28	The purpose of this map was to portray information which is subject to change i. e. , permit areas. With regard to all maps included - the entire submission was published on legal size sheets with symbols that would facilitate duplication. We do not have normal map making capabilities in our office and this is an attempt to eliminate the need for manual reproduction.
30-32	This section covers short narrative, statistical and graphic or map data which relate specifically to BLM-administered lands and resources within your State Planning Agency, Coastal Zone Management planning area.
33-54	The township diagrams cover the lands with Federal Mineral Ownership (FMO) by surface/subsurface relationship.
55-64	These are statistical summaries covering mineral ownership and information about leasing authorities and prospecting permits.

If you have any comments or questions regarding this material, please contact us. Our commercial telephone number is 218-727-6692, Ext. 378.

Sincerely yours,

Thomas W. Roessler

Thomas W. Roessler
Manager

Enclosure: Wisconsin CZM (2)
cc: Ms. Madonna McGrath
Acting Special Assistant to the Secretary

Bureau of Land Management

1. April 2, 1976: Letter from Bureau of Land Management indicating its interest in Wisconsin CMP.
2. July 21, 1976: Larry Johnson (Duluth) called to indicate that no BLM authorities were listed in Wisconsin's federal authorities list.
3. January 21, 1977: Wisconsin sent "Working Paper III and IV" requesting review and comment by February 4, 1977.

This contact receives Monitor & Gazette. Performance Reports are routed through Madonna McGrath.
4. March, 1977: Wisconsin sent 1st Quarterly Report.
5. April 7, 1977: Wisconsin sent WCMP Proposal-Draft for Review, Appendices, and Citizens Guide for comment by June 16.
6. May 11, 1977: Wisconsin sent Coastal Survey and 2nd Quarterly Performance Report.
7. May 19, 1977: Larry Johnson commented on CMP Program Proposal-Draft for Public Review with regard to GAMC's, Federal Consistency, Federal mineral ownership, "excluded lands".
8. June 9, 1977: Wisconsin invites Federal Contacts to meeting June 30, 1977.
9. August 10, 1977: Wisconsin sent Third Quarterly Performance Report.
10. August 26, 1977: Wisconsin notified federal contact of program submission.
11. September 2, 1977: Wisconsin requested corrections in federal contacts list.
12. September 8, 1977: Correction received: Mr. Jerome Heinz.

DEPARTMENT OF INTERIOR
BUREAU OF MINES



United States Department of the Interior

BUREAU OF MINES
4800 FORDES AVENUE
PITTSBURGH, PENNSYLVANIA 15213

August 4, 1976

CONTACT: Mr. Ronald C. Briggs
Room G-23, Federal Building
Fort Snelling
Twin Cities, Minnesota 55111

Mr. Allen H. Miller, Program Administrator
Wisconsin Coastal Management Program
State of Wisconsin
Department of Administration
One West Wilson Street
Madison, WI 53702

NATIONAL INTEREST:

See attached letter

Dear Mr. Miller:

We were pleased to receive your letter of July 19, 1976, outlining steps being taken in the Wisconsin Coastal Management Development Program. The Bureau will be happy to work closely with you before formal Federal review of your program. We agree that early coordination/consultation will be of mutual benefit in development of the CZM program.

Please feel free to contact me or Ronald Briggs, Wisconsin State Liaison Officer, at any time for review, discussion, or questions about our participation.

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Mineral Research, Resource Information and Technical Assistance (15.304)

Sincerely yours,

C. Gordon Leaf
C. Gordon Leaf
Supervisory Physical Scientist
Eastern Field Operation Center



L O G

Bureau of Mines

1. August 4, 1976: Letter from Gordon Leaf offering ass't. and Ronald Briggs, Wisconsin Liaison Ass't.
2. January 21, 1977: Wisconsin sent copies of Working Paper III and Working Paper IV for review and comment by February 4, 1977.
3. March, 1977: Wisconsin sent First Quarterly Performance Report.
4. April 7, 1977: Wisconsin sent WCMP - Draft for Public Review, Appendices and Citizens Guide for comment by June 16.
5. May 11, 1977: Wisconsin sent Coastal Survey and 2nd Quarterly Report.
6. June 9, 1977: Wisconsin invites Federal Contacts to meeting June 30, 1977.
7. August 10, 1977: Wisconsin sent Third Quarterly Performance Report.
8. August 26, 1977: Wisconsin notified federal contact of program submission.
9. September 2, 1977: Wisconsin requested corrections to federal contacts list.
10. September 12, 1977: Response to corrections letter. Address is correct.

DEPARTMENT OF INTERIOR
BUREAU OF OUTDOOR RECREATION

L O G

Bureau of Outdoor Recreation

CONTACT: Mr. Robert L. Pierce, Chief
Bureau of Outdoor Recreation
3853 Research Park Drive
Ann Arbor, Michigan 48104

NATIONAL INTEREST:

No statement of national interest was received.

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Outdoor Recreation-Acquisition, Development and Planning (15.400)

1. July 23, 1976: BOR sent response to federal authorities listing.
2. November 5, 1976: Responded to our list of "Expressed Interest."
3. December 17, 1976: Wisconsin sent "Working Paper II" with comment requested by January 10, 1977.
4. January 4, 1976: Phone call from Michael Rogers. Will be in Madison January 18, wants to set up appointment with Wisconsin CMP staff.
5. January 18, 1977: Discussion with Michael Rogers on the general program goals. Reassured him that DNR, CMP and BOR activities are well coordinated.
6. January 21, 1977: Wisconsin sent copies of "Working Paper III & IV" for review and comment by February 4, 1977.
7. March, 1977: Wisconsin sent 1st Quarterly Performance Report.
8. April 7, 1977: Wisconsin sent WCMP Proposal-Draft for Public Review, Appendices and Citizens Guide for comment by June 16.
9. May 11, 1977: Wisconsin sent Coastal Survey and 2nd Quarterly Performance Report.
10. June 9, 1977: Wisconsin invites Federal Contacts to meeting June 30, 1977.
11. June 20, 1977: Michael Rogers called - will not attend June 30 meeting. Generally favored the Program Proposal (no written comments). Requested copy of Milwaukee Sailing Club Report.
12. August 10, 1977: Wisconsin sent Third Quarterly Performance Report.
13. August 26, 1977: Wisconsin notified federal contact of program submission.
14. September 2, 1977: Wisconsin requests corrections in name of Federal contact.
15. September 12, 1977: Received reply to corrections letter. Robert L. Pierce is still working contact. He works under John D. Cherry, the region director.

DEPARTMENT OF INTERIOR
FISH AND WILDLIFE SERVICE



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Federal Building, Fort Snelling
Twin Cities, Minnesota 55111

IN REPLY REFER TO:

OBS

SEP 20 1976

CONTACT:

Mr. Dick Huber
Ecological Services
Federal Building - Fort Snelling
Twin Cities, Minnesota 55111

Mr. Anthony S. Earl
Secretary
Wisconsin Department of
Natural Resources
Box 450
Madison, Wisconsin 53701

ATTN: Allen Miller, Land Use Coordinator
State Planning Office

Dear Mr. Earl:

NATIONAL INTEREST:

See attached letter

The U.S. Fish and Wildlife Service is providing the following information on our agency's activities in Wisconsin's Coastal Zone as requested by Mr. Allen Miller, State Planning Office. Included in our comments are concerns which we believe should be considered and our nominations of areas of particular concern.

Our agency, at the request of the Department of the Interior's Bureau of Indian Affairs, provides technical assistance to Indians in a multi-facet program, including trail seeding, fisheries surveys, wildlife surveys, and management of fish and wildlife resources. Since the lands involved are trust responsibilities of the Secretary of the Interior but are governed by the Tribal Executive Committee, the Executive Committee should be the focal point for Coastal Zone planning.

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Anadromous Fish Conservation (15.600)
 - Fishery Research - Information (15.604)
 - Fish Restoration (15.605)
 - Wildlife Technical Assistance (15.609)
 - Wildlife Research Information (15.610)
 - Wildlife Restoration (15.611)
 - Endangered Species (15.612)

The Service has a concern with threatened and endangered species, many of which utilize nearshore areas. Through our involvement with the Endangered Species Act, we are concerned with the reintroduction of the endangered American Peregrine Falcon. The Niagara Escarpment is considered as a high priority area for reintroduction of this species. Efforts will begin in the next 2 to 3 years to initiate a program which will include land acquisition and physical reintroduction.

Encompassed by your plan will be Federal Aid funding activities between the Wisconsin Department of Natural Resources and our Federal Aid program. Attached is a listing of Federal Aid land acquisitions. Those shaded in green have been acquired and others represent future acquisitions. Also enclosed is an explanation of policies outlining Federal Aid programs. It must be stressed that in defining permissible land uses within the Coastal Zone, no Federal Aid lands should be affected. To utilize these lands for other than designated purposes would result in the Service invoking provisions of the Federal Aid Act. At Bayfield, Wisconsin, anadromous fish funds were used to rebuild the Bayfield Fish Hatchery. Fish ladder/sea lamprey



barriers are proposed for the Bad River in Ashland County and Brule River in Douglas County.

Land Management areas of the Service which should be addressed as areas of concern are:

1. Green Bay National Wildlife Refuge, Hog Island, 2 acres, T33N, R30E, Door County.
2. Gravel Island National Wildlife Refuge
 - a. Gravel Island, 4 acres
T32N, R30E, Door County
 - b. Spider Island, 23 acres
T32N, R30E, Door County

In addition, the above three islands are a part of the Wisconsin Island Wilderness Area (October 23, 1970 - Public Law No. 91-504).

The Fish and Wildlife Service is looking at 700 acres in Bayfield County, Wisconsin, appraised at \$130,200, as the future site of the Iron River National Fish Hatchery. At present, this land area is privately owned. Bayfield County is an indicated area in the Wisconsin plan and the future hatchery merits consideration as part of the rehabilitation of the Great Lakes.


The Service is concerned with the protection of fish habitat throughout Wisconsin's waters of the Great Lakes. Our primary interest is in the nearshore zone--especially that area between the shore and the 30-foot depth contour, but extending into deeper water in some localities. This zone is extremely important to most Great Lakes fishes as a spawning and nursery ground, and at the same time is the most likely portion to be altered by man's activities.

We recognize, of course, that certain relatively restricted areas are of such importance as fish habitat that they deserve special consideration and we would like to mention two that are of particular concern to us--Chequamegon Bay, and the waters around the Apostle Islands, in Lake Superior. Chequamegon Bay is almost unique in U.S. waters of Lake Superior in that it supports sport and/or commercial fisheries for fish species generally associated with relatively warm waters. Examples of such species are walleyes (utilized commercially by Indians), yellow perch, and northern pike. Chequamegon Bay also provides an important sport fishery for smelt. The waters around the Apostle Islands contain some of the best lake trout spawning grounds in Lake Superior (All the Apostle Islands except Madeline are designated as National Seashore areas).

This Service has a strong involvement in the Great Lakes area, and it is important that any plan developed adequately considers our interests and living resource values. Special attention should be given to the Treaty between the United States and Canada as it relates to joint activities within contiguous waters.

The CZM plan developed should recognize the Federal permitting process and authorities. Through provisions of the Fish and Wildlife Coordination Act (as amended) and signed agreements between the Department of the Interior and Army, our agency is required to review and comment on all Sec. 402, Section 10 and Section 404 permit applications. All federally authorized, assisted, or funded Federal water development activities within coastal waters are also covered by the Coordination Act. Accordingly, it would be appropriate for any submitted program to recognize U.S. Fish and Wildlife Service involvement in these activities and the possible conflicts arising if there are overriding fish and wildlife concerns.

Sincerely yours,



Enclosures

cc: Acting Special Asst. to the Secretary
Chicago, Illinois

LOG

Fish & Wildlife Service

1. February 4, 1976: Al Miller spoke with Huber at GLBG Meeting
February 5, 1976: in Cincinnati and said Wisconsin CZ would send a copy of Wetlands Bill when it is ready for dissemination.
2. February 6, 1976: Letter from "Fish and Wildlife" sent to confirm Huber's name.
3. March 3, 1976: Huber, etc. came to Madison for a FWS Service/CZ Program Strategy session. Information from FWS due April 30, 1976. (More specific geographic interests).
4. April 2, 1976: 3rd Qt. Performance report sent.
5. July 19, 1976: Wisconsin sent letter on timetable for 306 Plan Submittal.
6. April 28, 1976: Regional director sent a list of GAPC's for our consideration.
7. August 2, 1976: Wisconsin sent 4th Qt. Performance Report.
8. September 3, 1976: Hopi (Green Bay) called re: August 23 position paper for clarification on federal interaction. Wisconsin said our preliminary plan would be together by February, 1977.
9. September 8, 1976: FWS called (Larry Sisk) re: the Policy Questionnaire, did they have to fill it out?
10. September 13, 1976: Wisconsin received FWS response to position paper and questionnaire.
11. October 15, 1976: Wisconsin sent 3rd Yr. Grant Application.
12. November 26, 1976: FWS called (Larry Sisk). Returning M. Cox's call. 307 comments in the mail to us.
13. November 29, 1976: Received letter from Richard T. Huber. Corrections to expressed interest - See 307.
14. December 17, 1976: Wisconsin sent "Working Paper II" with comment requested by January 10, 1977.
15. December 29, 1976: Received letter from Richard T. Huber, comments on "Working Paper I" - GAPC's definition of direct and significant, wants to help in boundary delineation. Attached copy of April 28, 1976 letter identifying coastal concerns of FWS.
16. January 21, 1977: Wisconsin sent Working Paper III and Working Paper IV for review and comment by February 4, 1977.
17. January 26, 1977: Larry Sisk called and requested 5 copies of all program papers.
18. January 26, 1977: Called Huber, talked to Larry Sisk about Endangered Species correction to "Expressed Interest". He feels agencies may have specific programs and numbers. Calling agencies is the best way to find out.
19. February 4, 1977: Letter received from Dick Huber - comments on papers 3 and 4: p. 26, Item 8 - questions expansion of mining interests and p. 30, Item 1 - waiting for final determination of fed. consistency.
20. March, 1977: Wisconsin sent 1st Quarterly Performance Report.
21. April 7, 1977: Wisconsin sent WCMP Proposal-Draft for Review, Appendices and Citizens Guide for comment by June 16.
22. May 11, 1977: Wisconsin sent Coastal Survey and 2nd Quarterly Report.
23. June 9, 1977: Wisconsin invites Federal Contacts to meeting June 30, 1977.
24. June 10, 1977: Letter received from James B. Elder (Acting Reg. Director) commenting on the proposed program: should have "selling section", institutionalizes low-level takeover of program, does not fulfill 305 (b)(2); no inventory of GAMC will cause conflict because of lack of control over wetlands; F.W.L. comments/review ignored; conflict between goals and opposition to long-term fiscal commitment; Wisconsin states laws are not adequate to manage coastal resources; Council has no balance between environmentalists and preservationists.
25. July 11, 1977: Charles Kjos (Green Bay) called to say he was sorry to have missed the meeting. Discussed June 30th meeting at length.
26. August 10, 1977: Wisconsin sent Third Quarterly Performance Report.
27. August 26, 1977: Wisconsin notified federal contact of program submission.
28. September 2, 1977: Wisconsin requested corrections in federal contact list. Also sent to Green Bay F&WS.

DEPARTMENT OF INTERIOR
NATIONAL PARK SERVICE



IN REPLY REFER TO:

L7019 MWR CL

United States Department of the Interior

NATIONAL PARK SERVICE
MIDWEST REGION
1709 JACKSON STREET
OMAHA, NEBRASKA 68102

FEB 18 1976

CONTACT:

Mr. Foster Freeman
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

Mr. Allen H. Miller
Program Administrator
Wisconsin Coastal Zone Management Program
Department of Administration
1 West Wilson Street
Madison, Wisconsin 53702

Dear Mr. Miller:

This replies to your letter of January 22 to Foster Freeman of this office concerning the development of the Wisconsin Coastal Zone Management Program.

NATIONAL INTEREST:

See attached letter

Enclosed is a statement of the National Park Service's interests in and along the Wisconsin Coastal Zone, information on and site specifics on Natural Landmarks and Historic Landmarks within Wisconsin Coastal Zone.

In addition to the administration and management of Apostle Islands National Lakeshore, Bayfield County, the National Park Service administers the Historic Landmarks Program (brochure enclosed), the Natural Landmarks Program (brochure enclosed), the Historic Preservation Grants Program, and provides consultative services in the broad fields of evaluation and interpretation of scenery, natural areas, historic areas, and in recreation planning and compliance procedures under Section 106 of the Historic Preservation Act and Section 102 of National Environmental Policy Act.

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Historic Preservation (15.904)
Park and Recreation Technical Assistance (15.906)

We are pleased to be of assistance. If further information or specific data is needed for your CZM Program, please write or call Mr. Freeman, 402-221-3482.

Sincerely yours,

Merrill D. Beal

Merrill D. Beal
Regional Director



LOG

National Park Service

1. August 1, 1975: National Park Service sent Wisconsin CZ program a letter indicating their intent to cooperate fully in our CZ program. The letter identified Foster Freeman as their contact.
2. October 15, 1975: Wisconsin CZ sent contact letter out for response. (from Bureau of Interior).
3. January 29, 1976: Wisconsin CZ sent out copy of Recreation Econ. Impact Study. (Foster Freeman).
4. February 18, 1976: Letter from National Park Service outlining its interest in CMP.
5. February 24, 1976: Wisconsin CZ Qt. Report sent.
6. April 2, 1976: 3rd Qt. Performance Report sent.
7. July 19, 1976: Wisconsin sent letter indicating our timetable for 306 plan submittal.
8. November 5, 1976: Freeman called re: our "307" reg's. Says they are federally excluded and are maintaining this stance. (We are of course in concurrence with the decision).
9. November 12, 1976: Freeman responded to our "expressed interest" memo. Expressed concern that use of the entire 6-month review period is excessive.
10. November 16, 1976: Wisconsin sent reply to 11-12 letter from NPS.
11. December 9, 1976: NPC sent comments on "Working Paper I" (suggest contact with State Historic Program).
12. December 17, 1976: Wisconsin sent "Working Paper II" for comment by January 10, 1977.
13. January 4, 1977: NPS sent letter of 'no comment' on "Working Paper II".
14. January 21, 1977: Wisconsin sent "Working Paper III & IV" for review and comment by February 4, 1977.
15. February 3, 1977: Letter from NPS commenting on Working Paper III & IV. Note that we should contact State Historic Preservation Officer for Wisconsin concerning Working Paper III, goals B-3.
16. March, 1977: Wisconsin sent First Quarterly Performance Report.
17. April 7, 1977: Wisconsin sent NCMP Proposal-Draft for Public Review, Appendices and Citizens Guide for comment by June 16.
18. May 11, 1977: Wisconsin sent Coastal Survey and 2nd Quarterly Performance Report.
19. June 9, 1977: Wisconsin invites Federal Contacts to meeting June 30, 1977.
20. June 30, 1977: Foster R. Freeman attended Wisconsin's Federal Contact meeting.
21. August 10, 1977: Wisconsin sent Third Quarterly Performance Report.
22. August 26, 1977: Wisconsin notified federal contact of program submission.
23. September 2, 1977: Wisconsin requested corrections in federal contacts list.

DEPARTMENT OF INTERIOR
U.S. GEOLOGICAL SURVEY

L O G

U.S. Geological Survey

CONTACT:

Mr. Joseph T. Callahan
U.S. Geological Survey, N.E. Region
12201 Sunrise Valley Drive
Reston, Virginia 22092

NATIONAL INTEREST:

No statement of national interest was received.

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Geologic and Mineral Resource (15.800)
Minerals Discovery Loan Program (15.802)
Water Resources Investigations (15.804)

1. February 10, 1976: Wisconsin made initial contact.
2. May 3, 1976: USGS sent a letter indicating their program contact in Madison.
3. May 10, 1976: Wisconsin sent follow-up and 3 Qt. Performance Report.
4. July 19, 1976: Wisconsin sent letter indicating timetable for 306 Plan submittal.
5. July 7, 1976: Wisconsin sent full list of federal authorities for comments.
6. April 2, 1976: Wisconsin sent 3rd Qt. Report.
7. July 28, 1976: Jack Green just called to see how they could help with Wisconsin's program.
8. August 2, 1976: Wisconsin sent 4th Qt. Performance Report.
9. October 15, 1976: Wisconsin sent 3rd Yr. Grant Application.
10. October 19, 1976: Wisconsin sent "expressed interest" document for comment by November 30.
11. November 19, 1976: Wisconsin sent "Framework Paper" and Public Participation Evaluation for their information.
12. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15th and Supple. Grant Performance Report.
13. December 17, 1976: Wisconsin sent "Working Paper II" for comment by January 10.
14. December 22, 1976: USGS sent letter of 'no comment' on "Working Paper II".
15. January 21, 1977: Wisconsin sent "Working Paper III & IV" for review and comment by February 4, 1977.
16. February 1, 1977: USGS sent letter of recomment on Working Papers III and IV.
17. March, 1977: Wisconsin sent First Quarterly Performance Report.
18. April 6, 1977: Robert Schoen and Bill Barnwell staffed by to discuss Wisconsin CMP. Schoen is new contact for CMP. Wishes to receive all our mailings in the future.

19. April 7, 1977: Wisconsin sent WCMP-Draft for Public Review, Appendices and Citizens Guide for comments by June 16.
20. May 11, 1977: Wisconsin sent 2nd Quarterly Performance Report and Coastal Survey.
21. June 7, 1977: Comments by Bob Schoen on Program Proposals plan does not meet OCZM minimum standards; weak; should have called for comprehensive legislation.
22. June 9, 1977: Wisconsin invites Federal Contacts to meeting June 30, 1977.
23. June 30, 1977: Jack H. Green (Madison) attended Wisconsin's Federal Contact meeting.
24. August 10, 1977: Wisconsin sent Third Quarterly Performance Report.
25. August 26, 1977: Wisconsin notified federal contact of program submission.
26. September 2, 1977: Wisconsin requested corrections to federal contacts list, also sent to Madison.
27. September 8, 1977: Barnwell, Madison replied - no corrections.

DEPARTMENT OF TRANSPORTATION



OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

510

OCT 7 1975

CONTACT: Mr. Robert Schwank
U.S. DOT, Region V
300 Wacker Drive
Chicago, Illinois 60606

NATIONAL TRANSPORTATION INTEREST
IN THE COASTAL ZONE

NATIONAL INTEREST:

See letter attached

The development of a balanced national transportation system, including well articulated and integrated surface, air, water, and subsurface modes, is a primary element of the national interest. Transportation corridors, inland and coastal ports, and transportation support facilities are necessary adjuncts to such a system. When essential in the national interest, the construction, maintenance and improvement of present and future transportation systems on and under the surface of the land, on and under those waters subject to the jurisdiction of the United States, and in the air, shall predominate over less essential interests.

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Highway Research, Planning, Construction (FHWA) (20.103)
Local Rail Service Continuation (FRA) (20.205)
Urban Mass Transit Improvement Grants and Loans (UMTA) (20.500-20.501)

The national transportation interest is applicable in the coastal zone. It finds expression in the body of Federal laws, regulations and the related programs that influence, shape and support the development and functioning of the nation's transportation system. Basic to this body of law is the Congressional Declaration of Purpose in the Department of Transportation Act (49 USC 1651):

"The Congress hereby declares that the general welfare, the economic growth and stability of the Nation and its security require the development of national transportation policies and programs conducive to the provision of fast, safe, efficient, and convenient transportation at the lowest cost consistent therewith and with other national objectives, including the efficient utilization and conservation of the Nation's resources."

The body of Federal transportation law (see attachment) provides for both direct Federal actions and Federal programs of assistance to State and local government.

Direct programs include deepwater port regulatory programs and maritime safety, navigation, and marine pollution programs administered by the United States Coast Guard; air traffic control and air navigation programs administered by the Federal Aviation Administration; road construction programs in Federal lands administered by the Federal Highway Administration; rail safety regulations administered by the Federal Railroad Administration; pipeline safety regulations administered by the Materials Transportation Bureau; a cargo security program focused in large part on the Nation's principal ports; and operation of the St. Lawrence Seaway by the St. Lawrence Seaway Development Corporation. The national interest in the coastal zone is based on the body of law governing these programs. Each of these direct Federal transportation programs has some impact on at least some portion of the coastal zone. Coastal zone management programs should include explicit acknowledgment of and adherence to existing and future national interest in each of these direct transportation programs.

Federal assistance programs include Federal grants and loans to State and local government for airport construction, highway construction, railroad financial aid, urban mass transportation construction and operation, and for highway traffic safety. States and localities are involved in these assistance programs, not as mere instruments of Federal action, but as policy centers in their own right, with wide latitude to shape the transportation systems to serve local needs. But Federal statutes governing these assistance programs include constraints reflecting the national interest, such as protection of parklands, and reduction of air, noise, and water pollution. In varying degrees, all Federal transportation assistance programs entail the weighing of national and State-local interests. Coastal zone management programs should reflect coordination with and consideration of transportation facilities and programs developed and planned with Federal assistance by State and local government.

In the application of direct Federal transportation programs and Federal transportation assistance programs, it is in the national interest to provide fast, safe, efficient, and convenient access via one or more modes of transportation (e.g., airway, highway, railway, waterway, bicycle, pedestrian) for the movement of people, goods, and services to, from, along, and through the coastal zone for purposes including, but not limited to the following:

a. providing for the national defense (e.g., access to military installations and ports of embarkation)

b. maintaining the public safety and welfare (e.g., hurricane evacuation routes)

c. managing public lands in the coastal zone (e.g., access to wildlife sanctuaries)

d. providing for public recreation (e.g., beach access)

e. facilitating interstate and international commerce (e.g., access to seaports)

f. developing and using natural resources in the coastal zone and the outer continental shelf (e.g., oil, fisheries).

The national interest related to the different and varying conditions that exist in the coastal zones of the several coastal States will be more specifically addressed as each coastal State consults with the Regional Representative of the Secretary of Transportation during the development of their respective coastal zone programs.

ATTACHMENT

The body of Federal law governing transportation programs with existing or potential impact on the coastal zone, and administered in whole or in part by the U.S. Department of Transportation includes, but is not limited to:

Department of Transportation Act (49 USC 1651, et seq.)
 Federal Aviation Administration Act of 1958, as amended (49 USC 1301, et seq.)
 Airport and Airways Development Act (49 USC 1701, et seq.)
 Title 23, USC, "Highways," Section 101, et seq.
 Urban Mass Transportation Act (49 USC 1601, et seq.)
 Railway Safety Act of 1970 (45 USC 421)
 Regional Rail Reorganization Act of 1973 (P.L. 93-236)
 Water Resources Planning Act (42 USC 1962)
 Federal Water Pollution Control Act Amendments of 1972 (33 USC 1151)
 Ports and Waterways Safety Act of 1972 (33 USC 1221-1227, 46 USC 391a)
 Deepwater Port Act of 1974 (33 USC 1501)
 Outer Continental Shelf Act (43 USC 1331-1343)
 Marine Protection, Research and Sanctuaries Act of 1972 (16 USC 1431, 33 USC 1401)
 Coast Guard, Primary Duties (14 USC 2)
 National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 USC 1381, et seq.)
 Highway Safety Act of 1966, as amended (23 USC 401, et seq.)
 Saint Lawrence Seaway Development Corporation Act of 1954, as amended (33 USC 981, et seq.)
 Natural Gas Pipeline Safety Act (49 USC 1671, et seq.)
 Transportation of Explosives Act (18 USC 831-835)
 Hazardous Materials Transportation Act (49 USC 1801-1811)

L O G

Department of Transportation

1. October 15, 1975: Wisconsin CZ sent out initial contact letter and questionnaire.
2. October 24, 1975: D.O.T. sent response to contact letter.
3. January 20, 1976: Wisconsin CZ Program sent out 2nd Qt - 2nd Yr. Performance Report.
4. January 23, 1976: Wisconsin CZ Program sent out 2nd official contact letter requesting agency role statement.
5. January 29, 1976: Wisconsin CZ sent out copy of: a) Ports Policy Study for comment. b) Econ. Impact Recreation.
6. February 3, 1976: Wisconsin CZ sent "Boater" Survey.
7. April 2, 1976: Wisconsin sent 3rd Qt. Performance Report.
8. July 7, 1976: Wisconsin sent full listing of federal authorities for comments.
9. July 19, 1976: Wisconsin sent letter outlining timetable for submission of 306 plan.
10. August 2, 1976: Wisconsin sent 4th Qt. Performance Report.
11. August 23, 1976: Wisconsin sent Council reports on B/A/U & Organ. Structure for review and comment. Policy questions sent.
12. October 15, 1976: Wisconsin sent 3rd Yr. Grant Application.
13. October 19, 1976: Wisconsin sent "expressed interest" document for review and comment by November 30.
14. November 19, 1976: Wisconsin sent "Framework Paper" and Public Participation Evaluation for their information.
15. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15th and Supple. Grant Performance Report.
16. December 17, 1976: Wisconsin sent "Working Paper II" for comment by January 10, 1977.
17. January 21, 1977: Wisconsin sent "Working Paper III & IV" for comment by February 4, 1977.

18. March, 1977: Wisconsin sent First Quarterly Performance Report.
19. April 7, 1977: Wisconsin sent WCMP Proposal-Draft for Public Review, Appendices and Citizens Guide for comment by June 16.
20. May 11, 1977: Wisconsin sent Coastal Survey and 2nd Quarterly Report.
21. June 9, 1977: Letter to Erbe inviting him to Federal Contacts meeting June 30, 1977.
22. June 21, 1977: Letter from Roger Borg (new contact) with attached letter from Madison DOT office (FHWA) commenting on Program Proposal - should increase citizen representation and strengthen RPC's, area too large, review should only be of plans, not projects.
23. June 30, 1977: Roger Borg attended Wisconsin's Federal Contact meeting.
24. July 28, 1977: Wisconsin requested corrections to Federal Contacts list. Now sending to FHA (Madison) and USCG (Cleveland) plus Region V DOT.
25. August 10, 1977: Wisconsin sent Third Quarterly Performance Report.
26. August 26, 1977: Wisconsin notified federal contact of program submission.
27. August 29, 1977: New contact: Mr. Robert Schwank. Schwank requests continuation of Wisconsin's present policy of sending material to DOT, FHA, USCG.



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

Address reply to:
COMMANDER (mep)
Ninth Coast Guard District
1240 East 9th St.
Cleveland, Ohio 44199
Phone: 293-3919

5922
Ser: MEP 65/76
25 March 1976

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD

Mr. Allen H. Miller
CZM Program Administrator
1 West Wilson Street
Madison, Wisconsin 53702

Dear Mr. Miller:

The purpose of this letter is to respond to your correspondence of 22 January 1976 addressed to Governor Norman Erbe, the DOT Regional Representative, Region V. My response is of course related only to matters affecting the U. S. Coast Guard. Please find enclosed herewith the chartlet "Principal Units on the Great Lakes" and data delineating the boundaries of the Captains of the Port of Milwaukee, Wisconsin and Duluth, Minnesota. I have forwarded under separate cover documents entitled "National Transportation Interest in the Coastal Zone" and "Statutes that Concern the Coast Guard."

One method of expressing Coast Guard interest in the Coastal Zone of Wisconsin is to describe our activities there and to provide you with a list of the properties which we occupy (also attached herewith). Wisconsin except for those portions south of latitude 46° 20' North and west of longitude 90° West is located within the geographical boundary of Commander, Ninth Coast Guard District, offices at 1240 E. 9th Street, Cleveland, Ohio 44199.

Generally the area under discussion, the Wisconsin Coastal Zone, can be broken down into two geographic areas, Lake Michigan including Green Bay and Lake Superior. This of course includes all bays, sounds, harbors, estuaries and the like. Two Group Commanders, located in Milwaukee, Wisconsin and Duluth, Minnesota respectively exercise control over the traditional Coast Guard roles and missions of Search and Rescue, Aids to Navigation, Recreational Boating Safety and Law Enforcement in these areas. This is executed through small stations under their commands and which are included in the attached list of properties.

The Captain of the Port (COTP) is the officer of the Coast Guard designated for the purpose of giving immediate direction to Coast Guard law enforcement activities to our Port Safety/Security (PS) Program within a geographically defined port area. The COTP is responsible for the PS programs and for administering and enforcement of laws, regulations and executive orders incident thereto within his geographic boundary. His duties include enforcement of the provisions of the Federal Water Pollution Control Act and he is the Federal Pre-designated On-Scene Coordinator (OSC) for the Coastal Region of his area pursuant to the provisions of the National Oil and Hazardous Substances Pollution Contingency Plan. The Wisconsin Coastal Zone is affected by two COTP's, one at Duluth, Minnesota and one at Milwaukee, Wisconsin for applicable waters of Lake Superior and Lake Michigan waters respectively.

CONTACT: Cmdr. Charles Corbett - USCG
9th Coast Guard District
1240 E. 9th Street
Cleveland, Ohio 44199

NATIONAL INTEREST:

See attached letter

FEDERAL CONSISTENCY:

All direct development programs

5922
Ser: MEP 65/76
25 March 1976

L O G

U.S. Coast Guard

The Coast Guard Merchant Vessel Safety program (inspections, licensing etc) are carried out by the Marine Safety Office (MSO) at Duluth, Minnesota, and two Marine Inspection Detachments at Sheboygan, Wisconsin and Milwaukee, Wisconsin. The former has responsibility in Wisconsin waters of Lake Superior and the latter two in Wisconsin waters of Lake Michigan. The two detachments in Lake Michigan are under the cognizance of a Marine Safety Office in Chicago, Illinois. The units located at Duluth and Milwaukee are also vessel documentation offices. The Coast Guard is also charged with administration of the Great Lakes Pilotage Act of 1960.

It should be noted here that at Duluth the MSO and COTP are under the same command. At Milwaukee the Group Command and COTP are under the same command.

Also operating in the Wisconsin Coastal Zone is a special unit called a Boating Safety Team which makes its home office in Oshkosh and travels to various points in the State. The name of the team implies its functions and it is under direct control of our Cleveland office.

The civilian arm of the Coast Guard, the Coast Guard Auxiliary, is also active in the Wisconsin Coastal Zone. Promoting safe boating (through education) and conducting safety patrols are two important functions of this group which has no law enforcement power and which is under the general auspices of Director Western Region Auxiliary office located in Milwaukee, Wisconsin,

In addition to the aids to navigation functions carried out by the Group Commands, two CG Buoy Tenders are also engaged in that mission in the Wisconsin Coastal Zone. They are the CGC MESQUITE and CGC WOODRUSH homeported in Milwaukee and Duluth respectively. These buoy tenders may occasionally be augmented by other tenders and are under the direct command of our Cleveland office.

Another traditional role of the Coast Guard in the Wisconsin Coastal Zone is Domestic Icebreaking. This is accomplished by two special Task Group Commands called "Operation Taconite" and "Operation Oil Can." They are actually the Group Commands located in Sault Ste. Marie, Michigan and Milwaukee, Wisconsin respectively and command specified CG vessels of the Great Lakes while they are engaged in ice-breaking activities. In addition to the WOODRUSH and MESQUITE, as well as other CG vessels, the USCG Icebreaker WESTWIND engages in domestic icebreaking duties and is homeported in Milwaukee, Wisconsin.

Should you have any questions or comments please do not hesitate to so inform me.

Sincerely,

C. P. CORBETT

Commander, U. S. Coast Guard
Chief, Marine Environmental Protection
Branch

By direction of the Commander,
Ninth Coast Guard District

Copy to: Mr. Roger Borg

1. February 23, 1976: Sent Ports Policy Study and quarterly Wisconsin CZ Performance Report to Commander Corbett.
2. March 16, 1976: Called Commander Corbett for request of report by the U.S. Coast Guard on the Duluth Standard Oil Co. oil spill on February 21, 1976.
3. March 25, 1976: Coast Guard response to January 22 correspondence. (Additional letter to Ted Lauf - DNR under separate cover).
4. August 2, 1976: Wisconsin sent 4th Qt. Performance Report.
5. September 17, 1976: Coast Guard sent a fuel listing of authorities they exercise.
6. September 22, 1976: Wisconsin sent memo to identify what agency is in charge of CMP in Wisconsin.
7. December 8, 1976: Wisconsin sent "Boater Study" requested by McKenna.
8. June 9, 1977: Wisconsin invites Federal Contacts to meeting June 30, 1977.
9. June 22, 1977: Coast Guard requested (telephone) that it be added to Federal Contacts list. Wisconsin sent invitation and agenda for Federal Contact meeting.
10. June 30, 1977: Ens. Gregory Adams attended Wisconsin's Federal Contacts meeting.
11. July 20, 1977: Received comments on the Program Proposal from Captain H. E. Lindemann. Expressed concern about uses -- permits unnecessary for Federal structures in navigable water; Federal Consistency section, Appendix I.
12. August 3, 1977: Wisconsin requested copy of list of property under Coast Guard ownership in coastal area.
13. August 10, 1977: Wisconsin sent Third Quarterly Performance Report.
14. August 26, 1977: Wisconsin notified federal contact of program submission.

Environmental Protection Agency

ENVIRONMENTAL PROTECTION AGENCY

CONTACT:

Mr. Ralph Nordstrom
Planning Branch
Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

NATIONAL INTEREST:

No statement of national interest was received.

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Water Pollution Control Grants (66.419)-

1. October 15, 1975: Wisconsin CZ Program sent out contact questionnaire (for designated contact).
2. December 8, 1975: Response from EPA received for designated contact.
3. February 24, 1976: Wisconsin CZ sent out Quarterly Performance Report.
4. January 23, 1976: Wisconsin CZ sent out 2nd official contact letter requesting agency role statement.
5. July 19, 1976: Wisconsin sent out letter indicating our timetable for 306 Plan submittal.
6. April 2, 1976: 3rd Qt. Performance Report sent.
7. July 7, 1976: Wisconsin sent full list of federal authorities for comments.
8. August 2, 1976: Wisconsin sent 4th Qt. Performance Report.
9. August 23, 1976: Wisconsin sent Council Reports on B/A/U and Organ. Structure for review and comment and Policy questions.
10. October 15, 1976: Wisconsin sent 3rd Yr. Grant Application.
11. October 19, 1976: Wisconsin sent "expressed interest" document for review and comment by November 30.
12. November 19, 1976: Wisconsin sent "Framework Paper" and Public Participation Evaluation for their information.
13. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15, and Supplemental Grant Performance Report.
14. December 17, 1976: Wisconsin sent "Working Paper II" for comment by January 10.
15. December 27, 1976: Received comment on 307 - Expressed Interest from Jon - Eric Stenson for Nordstrom: CMP activities must be included in Unified Work Programs sent to Revision V Inter-model Planning Group; and Air Quality Maintenance Area Planning and Solid Waste Program under B.
16. January 21, 1977: Wisconsin sent copies of "Working Paper III & IV" for review and comment by February 4, 1977.

17. March, 1977: Wisconsin sent First Quarterly Performance Report.
18. April 7, 1977: Wisconsin sent WCMP Proposal Draft for Public Review, Appendices and Citizens Guide for comment by June 16, 1977.
19. May 11, 1977: Wisconsin sent Coastal Survey, 2nd Quarterly Report.
20. May 27, 1977: Nordstrom requested two more copies of Program Proposal.
21. June 9, 1977: Wisconsin invites Federal Contacts to meeting June 30, 1977.
22. June 29, 1977: Wisconsin received comments from Nordstrom on Program - lacks specificity re: air quality. SERPC land use, air quality and areawide waste water planning should be model for CZM Program.
23. July 28, 1977: Wisconsin requested correction to Federal Contacts list.
24. August 3, 1977: No corrections in Federal Contact.
25. August 10, 1977: Wisconsin sent Quarterly Performance Report.
26. August 26, 1977: Wisconsin notified federal contact of program submission.

L O G

FEDERAL AVIATION ADMINISTRATION

Federal Aviation Administration

CONTACT:

Mr. Oren R. Burckhardt
U.S. DOT - FAA
6301 34th Avenue South
Minneapolis, Minnesota 55450

1. January 19, 1976: FAA(Minneapolis) requested any information of our program dev. which would affect them.
2. January 21, 1976: Wisconsin sent letter and 2nd Qt. and 2nd Year Performance Report.
3. February 5, 1976: F.E. Wolf from Madison sent us a memo requesting they be used as a contact with anything they may have concerning our program and Airports.
4. April 2, 1976: Wisconsin sent 3rd Qt. Performance Report.
5. August 2, 1976: Wisconsin sent 4th Qt. Performance Report.

NATIONAL INTEREST:

No statement of national interest was received

FEDERAL CONSISTENCY:

- a. All direct development programs
- b. Airport Planning Grant Program (20.103)

L O G

Federal Energy Administration

FEDERAL ENERGY ADMINISTRATION

CONTACT: Mr. Hugh Gardner
Federal Energy Administration
175 W. Jackson Blvd.
Chicago, Illinois 60604

NATIONAL INTEREST:

No statement of national interest was received

FEDERAL CONSISTENCY:

a. All direct development programs

1. October 15, 1975: Wisconsin CZ Program sent out initial contact letter and questionnaire.
2. January 6, 1976: Wisconsin CZ Program sent out (hand written) memo advising Hugh Gardner we would send power plant siting ASAP. (re: phone call of December 31, 1975).
3. January 20, 1976: Wisconsin Qt. Performance Report sent.
4. January 23, 1976: Wisconsin CZ - 2nd official letter sent requesting agency role statement.
5. January 29, 1976: Wisconsin CZ sent short memo to Hugh Gardner re: up-coming mailing of PSC report.
6. February 9, 1976: Wisconsin CZ sent PSC report and accompanying letter requesting comments.
7. February 10, 1976: Wisconsin called to notify Gardner PSC report sent.
8. December 19, 1976: Hugh Gardner came to Madison and informally discussed the role of CZM with FEA and where we were in program develop., etc.
9. March 29, 1976: Gardner calling reference February 9, 1976 Wisconsin CZ program. Relaying federal comments on PSC report - poor reading due to small print. Am sending 10 additional copies of the PSC report to National PSC.
10. July 19, 1976: Wisconsin sent letter indicating our timetable for 306 Program Plan Submittal.
11. April 2, 1976: 3rd Qt. Performance Report sent.
12. July 7, 1976: Wisconsin sent full list of federal authorities for comments.
13. July 23, 1976: Hugh Gardner called re: July 19th letter to express concern over terminology "306".
14. August 2, 1976: Wisconsin sent 4th Qt. Performance Report.
15. August 23, 1976: Wisconsin sent Council Reports on B/A/U and Organizational Structure for review and comment, also Policy questions.
16. October 15, 1976: Wisconsin sent 3rd Year Grant Application.

17. October 19, 1976: Wisconsin sent "expressed interest" document for review and comment by November 30th.
18. November 19, 1976: Wisconsin sent "Framework Paper" and Public Participation Evaluation for thier information.
19. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15 and Supplemental Grant Performance Report.
20. December 17, 1976: Wisconsin sent "Working Paper II" for comment by January 10.
21. January 21, 1977: Wisconsin sent "Working Paper III & IV" for review and comment by February 4, 1977.
22. March, 1977: Wisconsin sent First Quarterly Performance Report.
23. April 7, 1977: Wisconsin sent WCMP Proposal-Draft for Public Review, Appendices and Citizens Guide for comment by June 16, 1977.
24. May 11, 1977: Wisconsin sent Coastal Survey and 2nd Quarterly Report.
25. June 9, 1977: Wisconsin invites Federal Contacts to meeting June 30, 1977.
26. June 30, 1977: Hugh Gardner attended Wisconsin's Federal Contacts meeting.
27. July 7, 1977: Gardner requested one more copy of Program & Appendices for Washington.
28. July 28, 1977: Wisconsin requested corrections to Federal Contacts list.
29. August 10, 1977: Wisconsin sent Quarterly Performance Report.
30. August 26, 1977: Wisconsin notified federal contact of program submission.

FEDERAL POWER COMMISSION

FEDERAL POWER COMMISSION

REGIONAL OFFICE

31st Floor, Federal Building
230 South Dearborn Street
Chicago, Illinois 60604

May 20, 1977

CONTACT:

Mr. Charles F. Hill
Federal Power Commission
31st Floor - Federal Bldg.
230 S. Dearborn Street
Chicago, Illinois 60604

Ms. Kate Kelley
Office of State Planning and Energy
Wisconsin Coastal Zone Management Program
Room B-130
1 West Wilson Street
Madison, Wisconsin 53702

Dear Ms. Kelley:

This letter is in response to Mr. Allen H. Miller's memorandum of April 7, 1977 and we acknowledge receipt of one copy each of the following:

NATIONAL INTEREST:

1. Wisconsin Coastal Management Program Proposal
Citizen's Guide, April 1977
2. Wisconsin Coastal Management Program Proposal
Public Review Draft, April 1977
3. Wisconsin Coastal Management Program Proposal
Appendices, April 1977

We have reviewed these documents and have only one comment to offer at this time. On page 351 of the "Appendices" under the heading "National Interest:", please add the following:

FEDERAL CONSISTENCY:

- a. All direct development programs.

"...assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources...."*

We appreciate the opportunity to review and comment on the Wisconsin CZM Documents.

Very truly yours,

Bernard D. Murphy
Regional Engineer

By Carol E. Shuckardall
Acting

*(Reference--Federal Power Act,
Part II, Section 202.)

L O G

Federal Power Commission

1. October 10, 1975: Wisconsin CZ program sent out initial contact letter & questionnaire.
2. October 20, 1975: FPC sent response to Wisconsin contact letter. Response outlined some Agency controls and regulatory powers.
3. January 20, 1976: Wisconsin CZ program sent out 2nd Yr. and 2nd Qt. Performance Report.
4. January 23, 1976: Wisconsin CZ sent out 2nd official contact letter requesting agency role statement.
5. January 29, 1976: FPC called to remind us of their October 20, 1975 letter.
6. January 30, 1976: Wisconsin called Charles Hill to clarify the Agency's concerns and expertise re: Wisconsin Coastal Zone.
Hill expressed 2 concerns:
a) The permitting of steam electric and nuclear power plants and the thought that such might be unduly restricted in the future.
b) Wanted Wisconsin to realize that undue restriction of inflow and outflow of oil and coal thru Wisconsin ports would be bad for everyone.
We indicated that we would be forwarding our PSC Report as soon as possible. And we expressed an interest in talking (face to face) when we reach a policy decision stage regarding siting of power plant facilities.
7. February 9, 1976: Wisconsin CZ sent PSC report and accompanying letter requesting comments.
8. March 3, 1976: Letter of response to the PSC report was sent from Lenard B. Young.
9. July 16, 1976: FPC sent corrections on Wisconsin's compilation of existing authorities.
10. July 19, 1976: Wisconsin sent letter indicating timetable for 306 plan submittal.
11. April 2, 1976: 3rd Qt. Performance Report sent.
12. July 7, 1976: Wisconsin sent full list of federal authorities for comments.
13. July 23, 1976: FPC sent letter indicating willingness to review CMP documents.
14. August 2, 1976: Wisconsin sent 4th Qt. Performance Report.
15. August 23, 1976: Wisconsin sent Council reports on B/A/U and Organ. Structure for review and comments. Also sent policy questions.
16. September 15, 1976: Called to say that FPC has no comment on Council Subcommittee report. Requested copies of public meeting responses.
17. October 15, 1976: Wisconsin sent 3rd Year Grant Application.
18. October 21, 1976: Notice sent to Wisconsin of FPC negative changes regarding CZM Act.
19. October 29, 1976: Wisconsin called FEA regarding Public Notice Stipulation in their proposed revised regulations. We expressed concern over the state having responsibility for "public notice".
*Also called OCZM on the issue.
20. November 11, 1976: Wisconsin sent reply to FPC proposed rule changes.
21. October 19, 1976: Wisconsin sent "expressed interest" document for comment by November 30.
22. November 19, 1976: Wisconsin sent "Framework Paper" and Public Participation Evaluation for their information.
23. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15th and Supple. Grant Performance Report.
24. December 8, 1976: Comment on "307 - Expressed Interest". Add under Licenses and Permits-Licensing of Hydroelectric Projects.
25. December 17, 1976: Wisconsin sent "Working Paper II" for comment by January 10.
26. January 3, 1977: Letter from B. Murphy saying no comment on Working Paper III and IV.
27. January 10, 1977: Charles Hill called to say he had no comment on Working Paper II; will send letter to that effect later.
28. January 12, 1977: Letter from B. Murphy saying 'no comment' on Working Paper II.

29. January 21, 1977: Wisconsin sent Working Paper III, Working Paper IV for review and comment by February 4, 1977.
30. March, 1977: Wisconsin sent First Quarterly Performance Report.
31. April 7, 1977: Wisconsin sent WCMP Proposal-Draft for Public Review, Appendices and Citizens Guide for comment by June 16.
32. April 18, 1977: Letter from B. Murphy with no comment on 1976 Oct.-Dec. Quarterly Report.
33. May 10, 1977: Letter from James Kirby, FPC, Washington, D.C. concerning CZMP dealing with energy matters and proposals to resolve energy problems.
34. May 11, 1977: Wisconsin sent Coastal Survey and Second Quarterly Performance Report.
35. May 20, 1977: Orel E. Hankedahl, Acting for Bernard D. Murphy, suggested adding a sentence on assuring an abundant supply of electric energy economically and with regard to natural resource concerns to P. 351 (National Interest), WCMP Proposal Draft.
36. June 9, 1977: Wisconsin invites Federal Contacts to meeting June 30, 1977.
37. June 30, 1977: Attended Wisconsin's Federal Contact meeting.
38. July 28, 1977: Wisconsin requested corrections to Federal Contacts list.
39. August 4, 1977: Confirmed that Chicago Regional Office will continue to maintain liaison with D.C. office ref. WCMP.
40. August 10, 1977: Wisconsin sent Quarterly Performance Report.
41. August 26, 1977: Wisconsin notified federal contact of program submission.

GENERAL SERVICES ADMINISTRATION

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION

Region 5
230 S. Dearborn Street
Chicago, IL 60604



524

MAR 10 1976

CONTACT:

Mr. Edward W. Geiser
General Services Administration
Operational Planning PSB
John C. Kluczynski, Federal Bldg.
230 S. Dearborn Street
Chicago, Illinois 60604

Mr. Allen H. Miller, Administrator
Wisconsin Coastal Zone Management
Development Program
State of Wisconsin
1 West Wilson Street
Madison, Wisconsin 53702

Dear Mr. Miller:

NATIONAL INTEREST:

See attached letter

Thank you for your February 10 letter, the designated contact questionnaire and the Wisconsin Coastal Zone Management Development Program Second Quarterly Performance Report. The completed designated contact questionnaire is enclosed.

FEDERAL CONSISTENCY:

All direct development programs

In response to your request for a clear statement of our interest in the Wisconsin Coastal Zone Program, we feel that our interest should be somewhat limited, as compared to some of the other fourteen "relevant Federal agencies." The only related functions that we would be responsible for would be the existence, and new construction, of public buildings which may be located near, but not on, shorelines; and, the disposal of surplus Federal Government real property which, at times, includes Coast Guard Stations and lighthouses.

Our present method of communication, and working with the six States in our Region, in the related function areas mentioned above, is through the provisions of the Office of Management and Budget Circular A-95 which implements the Intergovernmental Cooperation Act of 1968. The Circular requires coordination of direct Federal Real Property development projects with State, regional and local development. It requires consultation with Governors and local officials, including State Clearinghouse representatives, and, coordination of Federal projects with State, regional and local development plans. In the area of surplus property our contact is limited to the State Clearinghouses as they are responsible for notifying all pertinent State and local Government agencies.

In the future we will continue to follow the A-95 procedure and will notify you, separately, of all the General Services Administration real property development projects and the availability of all excess property for which the General Services Administration is responsible for in Wisconsin. These notifications would be limited to those projects and surplus properties that could have an affect on your Coastal Zone Management Program.

General Services Administration

We should be able to participate in your Coastal Zone Management Program through the exchange of information outlined in this letter and indicated on the enclosed questionnaire, taking whatever cooperation and coordination type action is necessary to meet requirements of the Coastal Zone Management Act.

Please let me know if you feel that we should participate more fully in your program, also, if you would like to have additional information concerning our proposed participation.

Sincerely,



FRANK RESNIK
Regional Administrator

Enclosure

1. February 10, 1976: Wisconsin CZ sent designated contact letter and quarterly report.
2. March 10, 1976: GSA response to designated contact and brief outline of the Agency's interest in Wisconsin CZ Program.
3. April 22, 1976: GSA sent a letter identifying its regional contact.
4. May 4, 1976: Wisconsin CZ sent Historic Society document to Robert Stewart.
5. April 2, 1976: Wisconsin sent 3rd Qt. Performance Report.
6. July 19, 1976: Wisconsin sent letter indicating timetable for 306 Program Submittal.
7. July 7, 1976: Wisconsin sent full listing of federal authorities for comments.
8. August 2, 1976: Wisconsin sent 4th Quarter Performance Report.
9. August 23, 1976: Wisconsin sent Council reports on B/A/U and Organ. Structure for review and comment. Policy questions sent.
10. October 15, 1976: Wisconsin sent 3rd Year Grant Application.
11. October 19, 1976: Wisconsin sent "expressed interest" document for comment by November 30th.
12. November 19, 1976: Wisconsin sent "Framework Paper" and Public Participation Evaluation for their information.
13. November 23, 1976: Wisconsin sent "Working Paper I" for comment by December 15th and suppl. Grant Period Performance Report.
14. December 17, 1976: Wisconsin sent "Working Paper II" for comment by January 10, 1977.
15. January 21, 1977: Wisconsin sent "Working Paper III & IV" for comment and review by February 4, 1977.

16. March, 1977: Wisconsin sent First Quarterly Performance Report.
17. April 7, 1977: Wisconsin sent WCMP Proposal-Draft for Public Review, Appendices and Citizens Guide for comment by June 16.
18. May 11, 1977: Wisconsin sent Coastal Survey and Second Quarterly Report.
19. June 9, 1977: Wisconsin invites Federal Contacts to meeting June 30, 1977.
20. July 28, 1977: Wisconsin requested changes to Federal Contacts list.
21. August 8, 1977: Minor address change received.
22. August 10, 1977: Wisconsin sent Third Quarterly Performance Report.
23. August 26, 1977: Wisconsin notified federal contact of program submission.

INFORMATION FOR READERS

PURPOSE: This document is both a draft environmental impact statement (DEIS) and a program document on the Wisconsin Coastal Management Program.

It is being circulated by the U.S. Department of Commerce for public and government agency review and comment. Comments received by the U.S. Department of Commerce will be considered in revising this document and will be included as an appendix in the final environmental impact statement (FEIS) to be circulated in early 1978. At this time it is not anticipated that public review of this document will require more than forty-five (45) days. Concurrent and overlapping reviews of other proposed coastal management program approvals will make it difficult to grant an extension of the comment period for the Wisconsin DEIS under Section 1500.9 of guidelines issued pursuant to the National Environmental Policy Act. The U.S. Department of Commerce will hold public hearings on the DEIS during November, 1977 in

DATE DUE

**HOW TO
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National Policy Act (NEPA)
(WEPA) requirements

Summary

page 7

Summary

ment Program - page 46

Glossary of Terms - page 201

Map of Wisconsin - page 158

Please save this copy of the DEIS as the appendices will not be included in the FEIS unless a substantial change to an appendix is made.

**WHERE
TO ASK
QUESTIONS
ABOUT
THIS
DOCUMENT:**

Informational questions can be handled in Washington by Eileen Mulaney, Great Lakes States Regional Manager of the Office of Coastal Zone Management (202/634-4237) and in Wisconsin by Allen H. Miller, Program Manager, Wisconsin Coastal Management Program (608/266-3687). A list of persons who participated in developing the Wisconsin program is found in Appendix C; these people can also provide helpful information.

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